

CURFEW ORDINANCE

Section I. Title/Purpose. This Ordinance is entitled “Curfew Ordinance.” The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by establishing a curfew for minors in the Town of Shelby.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

A. Curfew.

1. No children of the following specified ages shall loiter, idle or remain upon any street, alley or other public place in the Town during the set times of the designated dates:

a. Children ages 15 through 17.

1. School year: 11:00 p.m. – 5:00 a.m.
Sunday through Thursday
12:30 a.m. – 5:00 a.m.
Friday through Saturday
2. Summer: 12:30 a.m. – 5:00 p.m.
Sunday through Saturday

b. Children ages 12 through 14.

1. School year: 10:00 p.m. – 5:00 a.m.
Sunday through Thursday
11:00 p.m. – 5:00 a.m.
Friday through Saturday
2. Summer: 11:00 p.m. – 5:00 a.m. –
Sunday through Saturday

c. Children ages 11 and under

1. School year: 10:00 PM – 5:00 a.m.
Sunday through Saturday
2. Summer: 10:00 p.m. – 5:00 a.m.
Sunday through Saturday

2. The following terms have the designated meanings in this section:

- a. "School year" means the period September 1 through May 31
- b. "Summer" means the period June 1 through August 31

3. This section shall not apply to a child:

- a. Performing an errand as directed by the child's parent, guardian or person having lawful custody.
- b. Who is on his or her premises or 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. Returning home from a supervised school, church or civic function.

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

- B. Parental Violation. No parent, guardian or other person having legal custody of a child 17 or under shall permit such child to loiter, idle or remain upon any street, alley or other public place in the Town during the hours specified in Section II. (1) (a)-(c), unless such child is accompanied by such child's parent, guardian or other adult person having legal custody of such child.
- C. Responsibility of Operators of Places of Amusement. No person operating a place of amusement or entertainment within the Town, or any agent, servant or employee of such person, shall permit a child 17 years of age or younger to enter or loiter in such place of amusement or entertainment during the hours specified in Section II.A.(a)-(c), unless such child is accompanied by such child's parent, guardian or other adult person having legal custody of such child.
- D. Responsibility of Operators of Hotels, Motels and Rooming Houses. No person operating a hotel, motel or lodging or rooming house within the Town, or any agent, servant or employee of such person, shall permit any child 17 years of age or younger to visit, idle wander or stroll in any portion of such hotel, motel or lodging or rooming house during the hours specified in Section II A.(1)(a)-(c).

- E. Loitering in School and Playground Areas. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building or in or about any playground area adjacent thereto within the Town between 8:00 a.m. and 4:00 p.m. on official school days.

- F. Taking a Child Into Custody. A child believed to be violating the provisions of this Ordinance may be taken to the Sheriff's Department for La Crosse County for proper identification. Any law enforcement officer while on duty may take into custody any child violating Sections A, C, D and E of this Ordinance until the parent, guardian or other adult person having legal custody has been immediately notified and the person so notified has, as soon as is reasonably possible thereafter, reported to the Sheriff's office for the purpose of taking the child into custody and has signed a release for the child.

- G. Warning. The first time a child is detained by police officers as provided in Section II.F., a parent, guardian or other adult person having legal custody shall be advised as to the provisions of this Ordinance; and any violation of this Ordinance occurring thereafter by this child or any other child under such person's care or custody shall result in a penalty being imposed as therein provided.

Section III. Enforcement and Penalties.

- A. Parental Forfeiture. Any parent, guardian or other adult person having legal custody of a child described in Sections II.A, C or D who has been warned in the manner provided in Section II.G and who thereafter violates any of the provisions of this Ordinance, shall upon conviction be fined Forty Dollars (\$40.00) for each offense.

- B. Referral. Any child 11 years of age or younger who violates Section II.A, C, D and E may be referred to an intake worker of the La Crosse County Human Services Department for a determination whether a petition should be filed in the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. Stats.

- C. Child Forfeiture. Any child 12 years of age or older who violates Section II.A, C, D and E may be:
 - 1. Issued a citation imposing a forfeiture of Twenty Five Dollars (\$25.00) plus court costs and directing the child to appear in the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. State., or make a deposit or stipulation and deposit in lieu of appearance as proved in s. 938.237, Wis. Stats.; or

2. Referred to an intake worker for a determination whether a petition should be filed in the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. Stats.

Section IV. Severability. The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions my be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section V. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

Lynnetta P. Kopp, Town Chair

Randall R. Knapp, Town Supervisor

John O. Zahn, Town Supervisor

ATTEST:

Catherine Brott, Town Clerk