

**Village of Blanchardville Ordinance 2005-01 An Ordinance Repealing and Recreating Section 9.15 of the Municipal Code of the Village of Blanchardville**

The Village Board of the Village of Blanchardville, Wisconsin do ordain as follows:

Section 1. Section 9.15 of the Municipal Code of the Village of Blanchardville, Wisconsin, is repealed as of March 7, 2005, and recreated as of that date to read as follows:

**9.15 CURFEW**

(1) REGULATIONS AND EXCEPTIONS.

- a. Regulations. It shall be unlawful for any child under the age of 18 years to loiter idle or remain upon any street or alley or other public place in the Village between 11:00 P.M. and 6:00 A.M. the next day on Sunday through Saturday.
- b. Exceptions. The following shall constitute valid exceptions to the operation of the curfew:
  - i. 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.
  - ii. At any time, in the event of an emergency which would justify the reasonableness of the person's presence.
  - iii. At any time while the person is pursuing the duties of this employment.
  - iv. 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. The exception will not apply beyond 1:00 A.M. If the event is not commercial in nature or 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 shall end, and the name of the sponsoring organization.
  - v. If the person is coming directly home from a private home that has been approved by the person's parent or legal guardian.

(2) PARENTAL VIOLATION. No parent, guardian, or person having legal custody of a child under the age of 18 years shall suffer or permit such child to violate sub. (1) above.

(3) TAKING A CHILD INTO CUSTODY.

- a. A child believed to be violating this section shall be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, is hereby authorized to take into custody any child violating the provisions of sub. (1) above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort to immediately release the child to the child's parent, guardian or legal custodian or, if the parent, guardian or legal

custodian is unavailable, unwilling or unable to provide supervision for the child, may release the child to a responsible adult, and shall verbally counsel or warn as may be appropriate; or, in the case of a runaway child, may release the child to a home authorized under §48.227, Wis. Stats. The parent, guardian, legal custodian, or other responsible adult to whom the child is released shall sign a release for the child.

- b. If the child is not released under this subsection, the officer shall deliver the child to the Lafayette County Juvenile Court intake worker in a manner determined by the Court and law enforcement agencies, stating, in writing, with supporting facts, the reasons why the child was taken into physical custody and giving any child 12 years of age or older a copy of the statement, in addition to giving a copy to the intake worker.
- c. If the child is believed to be suffering from serious physical condition, which requires either prompt diagnosis or prompt treatment, the officer shall take such actions as is required under §48.20, Wis. Stats. If the child is believed to be mentally ill, drug dependent or developmentally disabled and exhibits conduct which constitutes a substantial risk of physical harm to the child or to others, the officer shall take such actions as is required under §48.20(5), Wis. Stats. If the child is believed to be an intoxicated person who has threatened, attempted or inflicted physical harm on himself or on another and is likely to inflict such physical harm unless committed, or is incapacitated by alcohol, the officer shall take such actions as is required under §48.20(6), Wis. Stats.

(4) WARNING AND PENALTY.

- a. Warning. The first time a child is taken into custody by a law enforcement officer, as provided in sub. (3) above, the parent, guardian or person having legal custody of such child shall be advised as to the provisions of the section and further advised that any violation of this section occurring thereafter by this child or any other child under his/her care or custody shall result in a penalty being imposed as hereinafter provided.
- b. Penalty. Any parent, guardian, or person having legal custody of a child described in sub. (1) above, who has been warned in the manner provided in par. (a) above and who thereafter violates this section shall be subject to a penalty as provided in sub. (5) below. Any child under the age of 18 years who violates this section shall also be subject to a penalty as provided in sub. (5) below.

(5) PENALTY.

- a. A violation of this section may be punishable by a forfeiture of not less than \$5 nor more than \$200.
- b. In addition to the penalty outlined above, any person under the age of 18 years may be punished under S§48.17 (2) and §48.343, Wis. Stats.

Section 2. This ordinance shall take effect upon passage and publication as provided by law.

ADOPTED: 03-07-2005