

Chapter 184

CURFEW

§ 184-1. Designation of hours and age restrictions.

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[HISTORY: Adopted by the Town Board of the Town of Washington 3-13-2000 by Ord. No. 2000-2 (Ch. 6, Subch. V of the 1986 Code). Amendments noted where applicable.]

§ 184-1. Designation of hours and age restrictions.

It shall be unlawful for any person under 18 years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement or entertainment, cemetery, playground, public building or any other public place in the Town of Washington between the hours of 12:00 midnight and 5:00 a.m., unless accompanied by his or her parent or guardian, or a person having lawful custody and control of his or her person. The fact that a child, unaccompanied by a parent, guardian or other person having legal custody is found in any of the above places during the above hours shall be prima facie evidence that the child is there unlawfully and that no reasonable excuse exists for his or her presence.

§ 184-2. Exceptions.

The curfew requirements shall not apply to:

- A. A child who is performing an errand as directed by his or her parent, guardian, or a person having lawful custody, provided that the child is traveling directly to and from the location of the assigned errand;
- B. A child who is on his or her own premises, or in the areas immediately adjacent thereto provided the immediately adjacent area is not a park or other public property;
- C. A child whose employment makes it necessary to be upon streets, alleys or public places, or in any motor vehicle during such hours; or
- D. A child who is returning home from a supervised school, church or civic function, but not later than 30 minutes after the ending of such function.
- E. Emergencies.

§ 184-3. Parental responsibility.¹

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

It shall be unlawful for any parent, guardian or other person having lawful care, custody and control of any person under 18 years of age to allow or permit such person to violate the provisions of this Curfew Chapter. The fact that, prior to a current violation, a parent, guardian or a person having the lawful care, custody and control was informed by any law enforcement officer of a separate violation of this chapter occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian or person having the lawful care, custody and control allowed or permitted the present violation. Any parent, guardian or person having lawful care, custody and control who makes a missing person notification to the law enforcement agency shall not be considered to have allowed or permitted any person under 18 years of age to violate this chapter.

§ 184-4. Taking a child into custody. ²

Without limiting the powers of the law enforcement agency authorized under Wisconsin law, law enforcement officers shall have the following powers under this curfew:

- A. Every law enforcement officer, while on duty, is authorized to take into custody any child violating the provisions of this chapter. Children taken into custody shall be released from custody as soon as is reasonably possible. The law enforcement officer shall make every reasonable effort to immediately release the child to the child's parent, guardian or a person having the lawful care, custody and control of the child. If the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision for the child, the law enforcement officer may release the child to a reasonable adult and 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 the Wisconsin Statutes.
- B. If the child is not released under this subsection, the law enforcement officer shall deliver the child to the Door 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 a serious physical condition that requires either prompt diagnosis or prompt treatment, the law enforcement officer shall take such action as is required under Ch. 48, Wis. Stats., as amended. If the child is believed to be mentally ill, drug dependent or developmentally disabled, and, exhibits conduct that constitutes a substantial risk of physical harm to the child or to others, the law enforcement officer shall take such action as is required under Ch. 48, Wis. Stats., as amended. If the child is believed to be an intoxicated person who has threatened, attempted or inflicted physical harm unless committed or is incapacitated by alcohol, the law enforcement officer shall take such action as is required under Ch. 48, Wis. Stats., as amended.

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

§ 184-5. Warning; violations and penalties.

Any parent, guardian or person having the lawful care, custody and control of a child under 18 years of age who has been warned in the manner provided by this chapter and, who thereafter violated this chapter, shall be subject to a penalty as provided in § 1-5 of the Town of Washington Code. After a second violation within a six-month period, if the defendant, in a prosecution under this chapter, proves that he or she is unable to comply with this chapter because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Ch. 48, Wis. Stats., as amended. Any child who shall violate this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$25, together with the costs of prosecution, including reasonable attorney fees. Community service may be ordered in addition to or as a substitute for any penalty.