

ORDINANCE 09-09-04-13

AN ORDINANCE TO REPEAL AND RECREATE SECTION 5.02 OF THE VILLAGE OF SHARON MUNICIPAL CODE RELATING TO CURFEWS FOR CHILDREN

The Village Board of the Village of Sharon, Walworth County, Wisconsin, does hereby repeal and recreate Section 5.02, of the Village of Sharon Municipal Code to read as follows:

5.02 **CURFEW ESTABLISHED.** (1) Except as otherwise provided herein, no child under the age of 18 years shall loiter, idle or remain, in or upon any of the streets, alleys or public places in the Village between 10:00 p.m. and 5:00 a.m., unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child.

(2) **EXCEPTIONS.** Prior to determining whether a violation of sub. (1) has occurred, law enforcement officers shall perform a reasonable investigation to determine whether any of the following exceptions apply. If any of the following exceptions are determined by law enforcement officers to apply, there shall be no violation of sub. (1) herein:

- (a) The child is performing an errand as directed by his or her parent, guardian or other person having legal custody of the child.
- (b) The child is on his or her own premises or in the areas immediately adjacent thereto.
- (c) The child's employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
- (d) The child is returning to his or her home or other place where they are legally staying for the night, from an adult-supervised school activity, religious or church activity, or an activity conducted by a non-profit or governmental entity.
- (e) The child is engaged in interstate or international travel from a location outside Wisconsin to a destination outside Wisconsin.
- (f) The child is engaged in, or going to or from, an activity involving the exercise of the child's rights as provided by the Wisconsin or United States Constitutions, including, but not limited to, the right of free speech, association or assembly.

(3) PARENTAL VIOLATION. No parent, guardian or other person having legal custody of a child under the age of 18 years shall permit such child to loiter, idle or remain upon any street, alley or other public place in the Village between the hours in sub. (1) above unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

(4) 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 such person, shall permit a child under the age of 18 years to enter or loiter in such place of amusement or entertainment between the hours specified in sub. (1) above unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

(5) RESPONSIBILITY OF OPERATORS OF HOTELS, MOTELS AND ROOMING HOUSES. No person operating a hotel, motel or lodging or rooming house within the Village, or any agent, servant or employee of such person, shall permit a child under the age of 18 years to visit, idle, wander or stroll in any portion of such hotel, motel or lodging or rooming house between the hours specified in sub. (1) unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

(6) DETAINING A CHILD. A child believed to be violating the provisions of this section shall be taken to the Police Department or the County Sheriff's Department for proper identification. Any law enforcement officer on duty may detain any child violating sub. (1) until such time as the parent, guardian or other adult person having legal custody of the child has been immediately notified and the person so notified has, as soon as reasonably possible thereafter, reported to the Police Department or the Sheriff's office for the purpose of taking the child into custody and has signed a release for said child.

(7) WARNING. The first time a child is detained by law enforcement officers as provided in sub. (6), the parent, guardian or person having legal custody shall be advised as to the provisions of this section; and any violation of this section occurring thereafter by this child or any other child under such adult's care or custody shall result in a penalty being imposed as provided in sub. (8)

(8) GENERAL PENALTY.

- (a) Any parent, guardian or other adult person having legal custody of a child described in subs. (1), (3), (4) or (5) who has been warned in a manner provided in sub. (7) and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in Sec. 25.04 of this Municipal Code.
- (b) Any child who violates this section after being detained and released under sub. (6) may be subject to the provisions of Chapters 48 and 938, Wis. Stats.

The above Ordinance shall be effective the day after its passage and publication.

Adopted this 9th day of September, 2004.

Robert Carlson, Village President

Dawn Redenius, Village Clerk

Published: 09/16/2004