

**ORDINANCE NUMBER** 007-2004-52

**AN ORDINANCE PROVIDING A CURFEW FOR CHILDREN IN ASHLAND COUNTY**

The County Board of Supervisors of the County of Ashland does ordain as follows:

**Section I:** Declaration of Policy.

It is hereby declared to be the purpose and intent of this ordinance to enhance, improve and promote health, safety and welfare of the residents of the County of Ashland by establishing times of curfew for children in the County of Ashland, Wisconsin.

**Section II:** Applicability.

This ordinance shall apply to persons who are physically present in the County of Ashland except that in municipalities where a curfew ordinance is in existence, such municipality's curfew ordinance shall control.

**Section III:** Children restricted.

- A. A child who has attained the age of 14 years but is under the age of 18 years shall not loiter, idle, wander or remain upon any street, highway, alley, park, public building, public place, vacant lot or other unsupervised place in Ashland County between 11:00 P.M. and 6:00 A.M. the next day unless accompanied by his/her parent, guardian or legal custodian unless the child is:
  - a. Pursuing the duties of his/her employment in an expeditious and orderly manner; or
  - b. Going to or from a place of business or private home in an expeditious manner; or
  - c. Going to or from a school, church, civic or community sanctioned activity in an expeditious and orderly manner.
- B. A child under the age of 14 years shall not loiter, idle, wander or remain upon any street, highway, alley, park, public building, public place, vacant lot or other unsupervised place in Ashland County between 10:00 P.M.

and 6:00 A.M. the next day unless accompanied by his/her parent, guardian or legal custodian unless the child is:

- a. Pursuing the duties of his/her employment in an expeditious and orderly manner; or
- b. Going to or from a place of business or private home in an expeditious and orderly manner; or
- c. Going to or from a school, church, civic or community sanctioned activity in an expeditious and orderly manner.

**Section IV: Custodian of Child.**

It shall be unlawful for a parent, guardian or legal custodian having the care and custody of a child to knowingly permit or knowingly allow such child to violate any term or provision of this ordinance.

**Section V: Physical Custody.**

A child violating Section III of this ordinance is to be taken into physical custody and taken to a nearby law enforcement office for proper identification. The person taking the child into custody is to immediately attempt to notify the parent, guardian or legal custodian of the child by the most practical means. The person taking the child into custody is to continue such attempt until the parent, guardian or legal custodian of the child is notified, or the child is delivered to an intake worker under §48.20(3) Wisconsin Statutes, whichever occurs first. If the child is delivered to the intake worker before the parent, guardian or legal custodian is notified, the intake worker, or another person at his or her direction, will continue the attempt to notify until the parent, guardian or legal custodian of the child is notified.

**Section VI: Penalty.**

- A. A person who violates a provision of this ordinance shall forfeit \$25.00 plus costs and assessments, if any, for a first violation.
- B. A person who violates a provision of this ordinance shall forfeit \$50.00 plus costs and assessments, if any, for a second violation.
- C. A person who violates a provision of this ordinance shall forfeit \$100.00 plus costs and assessments, if any, for a third or more violation.

**Section VII: Health and Human Services Department Notification.**

The Ashland County Health and Human Services Department shall be notified of the name and address of any person who violates this ordinance.

**Section VIII: Procedure**

The provisions of §66.0109 to 66.0113 Wisconsin Statutes and the subsequent amendments to such sections are hereby adopted and incorporated herein by reference.

**Section IX: Issue of Citation.**

- A. As per §66.0113 Wisconsin Statutes, Ashland County is authorized to use a citation to enforce this ordinance.
- B. Nothing in this ordinance prevents the use of other methods of enforcing this ordinance, including but not limited to , the use of a summons and complaint under Chapter 66 and/or 799 Wisconsin Statutes.

**Section X: Persons Authorized To Issue Citations**

Any law enforcement officer who has any jurisdiction in Ashland County, Wisconsin may issue citations and enforce this ordinance.

**Section XI: Citation Form.**

If a citation is used to enforce this ordinance, the form of the citation shall provide for the following:

- 1. The name and address of the alleged violator.
- 2. The factual allegations describing the alleged violation.
- 3. The time and place of the offense.
- 4. The section of the ordinance violated.
- 5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
- 6. The time at which the alleged violator may appear in court.
- 7. A statement which in essence informs the alleged violator:
  - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
  - b. That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.

- c. That if the alleged violator makes a cash deposit and does not appear in court, he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by §757.05, a jail assessment imposed by §302.46(1), a crime laboratories and drug law enforcement assessment imposed by §165.755, any applicable consumer protection assessment imposed by §100.261, and any applicable domestic abuse assessment imposed by §973.055(1), not to exceed the amount of the cash deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - d. That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter a judgment under sub.(3)(d), or the County may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46(1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055(1).
  - e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093.
- 8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subd. 7 and shall send the signed statement with the cash deposit.
  - 9. Such other information as may be deemed necessary.

**Section XII:** Schedule of cash deposits.

For adults, the following is a schedule of cash deposits that are required for a violation of this ordinance for the penalty assessment imposed by §757.05, the jail assessment imposed by §302.46(1) and the crime laboratories and drug law enforcement assessment imposed by §165.755 Wisconsin Statutes, for which a citation may be issued. Cash deposits are to be made to the Clerk of Circuit Court of Ashland County who shall issue a receipt for each cash deposit.

	1 <sup>st</sup> offense	2 <sup>nd</sup> offense	3 <sup>rd</sup> and subsequent offenses
Forfeiture	\$25.00	\$50.00	\$100.00
Court costs	\$25.00	\$25.00	\$25.00
Penalty assessment	\$ 6.00	\$12.00	\$24.00
Jail assessment	\$10.00	\$10.00	\$10.00
Crime lab and drug law enforcement assessment	<u>\$ 7.00</u>	<u>\$ 7.00</u>	<u>\$ 7.00</u>
Total deposit required	\$73.00	\$104.00	\$166.00

This schedule of cash deposit reflects the current amount of such assessments. Subsequent amendments to these assessments are hereby incorporated herein by reference.

For minors, the Court presently does not impose assessments for minors so the following is a schedule of cash deposits that are required for a violation of this ordinance by a minor.

	1 <sup>st</sup> offense	2 <sup>nd</sup> offense	3 <sup>rd</sup> and subsequent offenses
Forfeiture	\$25.00	\$50.00	\$100.00
Court costs	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$ 25.00</u>
Total deposit required for minors	\$50.00	\$75.00	\$125.00

**Section XIII:** Former Ordinance Repealed.

Ashland County Ordinance 06-1989-08 enacted 6-20-89 is hereby repealed, in its entirety.

**Section XIV:** Publication.

The Clerk shall immediately publish this ordinance as a Class I notice under Chapter 989 Wisconsin Statutes. The Clerk shall also procure and distribute copies of this ordinance to the several Town Clerks, who shall file it in their respective offices.

Dated this 13th day July, 2004.

Burt Holt

Reg Kuehl

Tiles Crateau

Mark B. Schmidt

Art Orr

Carl J. Kelly

Michelle J. Jarama

Debra L. Keverson

Clarence L. Simbeck

Carol J. Janta

George J. Janta

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