

ORDINANCE 06-1989-08
Passed 06/20/89

PROVIDING FOR A CURFEW OF MINOR'S IN ASHLAND COUNTY

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 County of Ashland by establishing times of curfew for persons under the age of 18 years in the County of Ashland.

Section II. Applicability

This ordinance shall apply to all persons under the age of 18 years in the County of Ashland except in municipalities where a curfew ordinance is in existence, whereby said municipality's curfew ordinance shall control.

Section III. Minors Restricted

A person under the age of 18 years may not loiter, idle or remain upon any street, alley or public place in Ashland County between 11:00 p.m. and 6:00 a.m. the next day unless accompanied by his/her parents, guardian or legal custodian or unless the person 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. Parents, Guardian's or Legal Custodian's Restricted

A parent, guardian or legal custodian of a person under the age of 18 shall not knowingly permit his/her child or ward to loiter, idle or remain upon any street, alley or other public place in Ashland County between 11:00 p.m. and 6:00 a.m. the next day unless accompanied by his/her parents, guardian or legal custodian or unless the child or ward 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.

Section V. Detention

A person in violation of Section III of this ordinance shall be taken to a nearby law enforcement office for proper identification and detained until such time as the parent, guardian or person having legal custody of the person is notified and reports to the law enforcement office to sign a release for and take custody of the detained person, in accordance with Chapter 48.19 of the Wisconsin Statutes.

Section VI. Penalty

A. Any person who violates Section III of this ordinance shall be subject to a penalty of \$25.00 plus costs and dealt with as provided in Chapter 48.343 of the Wisconsin Statutes.

B. Any person who violates Section IV of this ordinance shall be subject to a penalty of \$50.00 plus costs and dealt with as provided in Chapter 48.343 of the Wisconsin Statutes.

Section VIII. Issuance of Citation

A. Citations may be issued in the enforcement of this ordinance pursuant to the authority granted by Chapter 66.119 of the Wisconsin Statutes. Ashland County elects to use the citation method of enforcement of this ordinance other than those for which a statutory counterpart may exist.

B. Nothing contained in this ordinance shall be construed to prevent the use of any other method of enforcing Ashland County Ordinances, including but not limited to, the use of a summons and complaint under Chapter 66 and 799 of the Wisconsin Statutes.

Section IX. Persons Authorized To Issue Citations

Any law enforcement officer with jurisdiction in Ashland County may issue citations under this ordinance.

Section X. Citation Form

The citation issued pursuant to this ordinance shall provide the following:

- a. The name and address of the alleged violator
- b. The factual allegations describing the alleged violation
- c. The time and place of the offense
- d. The section of the ordinance violated
- e. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so
- f. The time of which the alleged violator may appear in Court

g. A statement which in essence informs the alleged violator:

1. That the alleged violator may make a cash deposit based on the schedule established by this ordinance to be mailed or delivered to the Clerk of Courts prior to the time of the scheduled court appearance.

2. That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.

3. That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have entered a plea of no contest and submitted to a forfeiture not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

4. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture.

h. 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 Section 10(g) of this ordinance and shall sign the signed statement with the cash deposit.

Section XI. Procedure

The procedure provisions of Section 66.119 of the Wisconsin Statutes, and all subsequent amendments to said section including the section number, subsection numbers and paragraph letters as therein contained, are hereby adopted and incorporated herein by reference.

Section XII. Nonexclusivity

Adoption of this ordinance in no way precludes the adoption of any other ordinance providing for the enforcement of any law or ordinance relating to the same or any other matter.

Section XIII. Severability

If any section or provision of this ordinance be declared unconstitutional or invalid or be repealed, the constitutionality or validity of the remainder shall not be affected.

Section XIV. Effective Date

This ordinance shall become effective upon passage and legal publication hereof.

Dated this 20th day of June, 1989.