ORDINANCE NO. 391

The Village Board of the Village of Lomira, Wisconsin, hereby amends Sec. 16-6(f) to read as follows:

(f) Curfew.

(1) *Prohibitions.* No child under the age of 16 years shall remain, and no parent or legal guardian shall permit his child or ward to remain, upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places in the village between the hours of 10:00 p.m. and 6:00 a.m. the next day. Further, no child between the age of 16 years to their 18th birthday shall be upon any street, alley or other public place in the village between the hours of 11:00 p.m. and 6:00 a.m.

(2) *Exceptions.* The following provisions shall constitute valid exceptions to the operation of the village curfew:

a. At any time the child is accompanied by his parent, guardian, or other adult person having the care and custody of the child.

b. At any time, in the event of an emergency which would justify the reasonableness of the child's presence.

c. At any time when the child is pursuing the duties of legitimate employment.

d. Until the hour of 12:30 a.m. if the child is on an errand as directed by a parent or legal guardian with a written note in hand with the date, times, and parent signature.

e. If the child is coming home from a public meeting or place of public entertainment such as a movie, play, school, church, or sporting event. This exception shall apply for one-half hour after the completion of such an event. 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 shall 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 the event will be held, the time at which the event shall end, and the name of the sponsoring organization.

f. If the child is coming directly home from a private home which has been approved by the child's parent or legal guardian with a written note in hand with the date, times, and parent signature.

g. Until the hour of 12:30 a.m. if the child is on the property of or the sidewalk directly adjacent to the building in which the child resides or the building immediately adjacent thereto.

(3) *Taking a child into custody.* A child believed to be violating this subsection shall be taken to the police department for proper identification or held at the location picked until a parent/guardian arrives to take custody of said child. Every law enforcement officer, while on duty, is hereby authorized to take into custody any child violating the provisions of this subsection (f).

a. Children taken into custody shall be released from custody as soon as is reasonably possible.

b. An officer taking a child into custody shall make every effort to immediately release the child to the child's parent or legal guardian, if the parent or legal guardian is unavailable, unwilling or unable to provide supervision, that officer may release the child to a responsible 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 Wis. Stats. § 48.20.

(4) *Penalty.* Any person under 16 years of age who shall violate this subsection shall, upon conviction, be subject to a forfeit of $5.00 ($143.80) for the first and $10.00 ($150.10) for second and subsequent offenses. Any person between the ages of 16 years to their 18th birthday who shall violate this subsection shall, upon conviction, be subject to a forfeiture of $25.00 ($169.00) for the first and $50.00 ($200.50) for second and subsequent offenses. The enforcement of this subsection shall be at the discretion of the arresting officer.

Moved by Tr. Jusell seconded by Tr. Aff

to adopt Ordinance No. 391 as presented.