

Chapter 290

JUVENILES

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 9, Ch. 6, of the 1987 Code of Ordinances). Amendments noted where applicable.]

§ 290-1. Curfew.

- A. It shall be unlawful for any person under 16 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, swimming beach, cemetery, playground, public building or any other public place in the Village of Hixton between the hours of 10:00 p.m. and 5:00 a.m., unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by parent, guardian or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.
- B. Exceptions.
- (1) This section shall not apply to a child:
 - (a) Who is performing an errand as directed by his parent, guardian or person having lawful custody.
 - (b) Who is on his own premises or in the areas immediately adjacent thereto.
 - (c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - (d) Who is returning home from a supervised school, church or civic function.
 - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- C. It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under 16 years of age to allow or permit such person to violate the provisions of Subsection A or B above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this section occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under 16 years of age to violate this section.
- D. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor

under 16 years of age to loiter, loaf or idle in such place during the hours prohibited by this section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this section shall find persons under 16 years of age loitering, loafing or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify a law enforcement officer and inform them of the violation.

- E. Every law enforcement officer is hereby authorized to detain any minor violating the provisions of above until such time as the parent, guardian or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the law enforcement officers for the purpose of taking the custody of the minor and shall sign a release for him or her. If no response is received, law enforcement officers shall take whatever action is deemed necessary in the best interest of the minor.
- F. The first time a juvenile is detained by a law enforcement officer of the Village, as provided in Subsection E, such juvenile and the parent, guardian or person having legal custody of such juvenile shall be advised, personally, if known, or by registered mail, as to the provisions of this section and further advised that any violation of this section occurring thereafter by such juvenile or any other juvenile under the care of such parent, guardian or person having legal custody shall result in a penalty being imposed as hereinafter provided. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- G. Violations and penalties.
 - (1) Any parent, guardian or person having legal custody of a child described in Subsections A through E who has been warned in the manner provided in Subsection F and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in § 1-3 of this Code of the Village of Hixton. After a second violation within a six-month period, if the defendant, in a prosecution under this section, proves that he or she is unable to comply with this section 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 Chapter 48, Wis. Stats.
 - (2) Any minor person under 16 years of age who shall violate this section shall, upon conviction thereof, pay the forfeiture as set by the Village Board per the bond schedule, together with the cost of prosecution.¹ [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 290-2. Petty theft by juveniles.

It shall be unlawful for any person under the age of 18, with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

1. Editor's Note: Original Sec. 9-6-2 of the 1987 Code of Ordinances, Possession of controlled substances by juveniles, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 359-1A(73).

§ 290-3. Receiving stolen goods.

It shall be unlawful for a person under the age of 18 to intentionally receive or conceal property he knows to be stolen.

§ 290-4. Village jurisdiction over persons 14 through 17 years of age.

- A. Adoption of state statute. Section 938.17(2), Wis. Stats., is hereby adopted and by reference made a part of this section as if fully set forth herein.
- B. Provisions of ordinance applicable to persons 14 through 17 years of age. Subject to the provisions and limitations of § 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of the Village of Hixton against persons 14 through 17 years of age may be brought on behalf of the Village of Hixton and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- C. No incarceration as penalty. The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this chapter.
- D. Additional prohibited acts. In addition to any other provision of the Code of the Village of Hixton, no person age 14 through 17 shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.
- E. Penalty for violations of Subsection D. Any person 14 through 17 years of age who shall violate the provisions of Subsection D shall be subject to the same penalties as are provided in § 1-3 of this Code of the Village of Hixton exclusive of the provisions therein relative to commitment in the County Jail.

§ 290-5. Enforcement and penalties.

- A. Citation process. For violations of §§ 290-2 through 290-4, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A copy will be mailed to the parent or legal guardian. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Penalties. Violations of §§ 290-2 through 290-4 by a person under the age of 18 shall be punishable according to §§ 938.17(2), 938.343, 938.344 and 938.345 of the Wisconsin Statutes. Nothing in this section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.