



ORDINANCE NO. 6, SERIES 2020

ORDINANCE AMENDING SECTION 9-2-14
CURFEW

The Village Board of the Village of Prairie du Sac, located in Sauk County, Wisconsin, do ordain as follows:

SECTION ONE: Amend Section 9-2-14 of the Code of Ordinances of the Village of Prairie du Sac by striking and adding language as follows:

SEC. 9-2-14 CURFEW.

- (a) It shall be unlawful for any person seventeen (17) years of age or under 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 Prairie du Sac between the hours of 10:30 p.m. and 4:00 a.m., except Friday and Saturday when the hours shall be 12:00 a.m. (midnight) to 4:00 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 therefore. 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 the age of seventeen (17) years to allow or permit such person to violate the provisions of (a) and (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 ordinance occurring within thirty (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 the age of seventeen (17) years 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 the age of seventeen (17) 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 the age of seventeen (17) years 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 the police department 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 Police Department for the purpose of taking the custody of the minor and shall sign a release for him or her. If no response is received, the Police shall take whatever action is deemed necessary, in the best interest of the minor.

(f) ~~WARNING. The first time a minor, parent, guardian, or person having legal custody of a minor that is detained by a law enforcement officer of the Village of Prairie du Sac, as provided in Subsection (e), such minor, parent, guardian or person having such legal custody, 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 this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.~~

~~(g) GENERAL PENALTY.~~

(1) Any parent, guardian or person having legal custody of a child described in Sub section (a) and (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 Sec. 1-1-6 of this Municipal Code. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this ordinance 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 948, Wis. Stats.

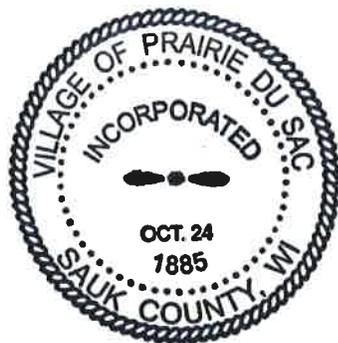
(2) Any child who violates this section after being detained and released under Sub-section (e) shall be dealt with under Chapter 948, Wis. Stats.

SECTION TWO: All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION THREE: This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 11th day of August, 2020.
Published this 20th day of August, 2020.

Village of Prairie du Sac, WI




Cheryl A. Sherman
Village President


Niki Conway
Village Clerk