

Chapter 190

CURFEW

§ 190-1. Curfew established.

§ 190-2. Exceptions.

§ 190-3. Parental responsibility.

§ 190-4. Taking child into custody.

§ 190-5. Citation; violations and penalties.

[HISTORY: Adopted by the Common Council of the City of Hayward 7-9-1990 by Ord. No. 281. Amendments noted where applicable.]

§ 190-1. Curfew established. [Amended 8-15-2011 by Ord. No. 506]

It shall be unlawful for any child under 18 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 City of Hayward between the hours of 11:00 p.m. and 6:00 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.

§ 190-2. Exceptions.

A. This chapter shall not apply to a child:

- (1) Who is performing an errand as directed by his parent, guardian or person having lawful custody.
- (2) Who is on his own premises or in the areas immediately adjacent thereto.
- (3) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
- (4) Who is returning home from a supervised school, church, or civic function.

B. 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.

§ 190-3. Parental responsibility.

It shall be unlawful for any parent, guardian, or other person having the lawful care, custody, and control of any person under 18 years of age to allow or permit such person to violate the provisions of § 190-1 or 190-2 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 18 years of age to violate this section.

§ 190-4. Taking child into custody.

- A. Every law enforcement officer while on duty is hereby authorized to take into custody any child violating the provisions of § 190-1 above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort immediately to release the child to the child's parent, guardian or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, 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 § 48.227, Wis. Stats. The parent, guardian, legal custodian or other responsible adult to whom the child is released shall sign a release for the child.
- B. If the child is not released under this section, the officer shall deliver the child to the Sawyer County Juvenile Court Intake Worker in a manner determined by the court and law enforcement agencies, stating in writing with supporting facts that reasons why the child was taken into physical custody and giving any child 12 years of age or older a copy of the statement in addition to giving a copy to the intake worker. A juvenile violating these curfews regularly may be warned by an officer on duty in his discretion and sent home in lieu of taking the juvenile into custody.
- C. If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the officer shall take such action as is required under § 48.20(4), Wis. Stats. If the child is believed to be mentally ill, drug dependent, or developmentally disabled and exhibits conduct which constitutes a substantial risk of physical harm to the child or to others, the officer shall take such action as is required under § 48.20(5), Wis. Stats. If the child is believed to be an intoxicated person who has threatened, attempted, or inflicted physical harm on himself, or herself or another and is likely to inflict such physical harm unless committed, or is incapacitated by alcohol, the officer shall take such action as is required under § 48.20(6), Wis. Stats.¹

§ 190-5. Citation; violations and penalties. [Amended 8-15-2011 by Ord. No. 506]

- A. Pursuant to § 66.0113, Wis. Stats., the City of Hayward does hereby adopt the use of a citation to be issued for the violation of this chapter. The form of said citation shall be the same as that set forth in Chapter 333, Article IV (Ordinance No. 306), which article is hereby incorporated herein by reference. In addition to the above, the Clerk of Court for Circuit Court, Sawyer County, Wisconsin, shall have the authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule set forth below, or as ordered by the Circuit Court for Sawyer County.

1. Editor's Note: Former Section 5, Warning and forfeiture, which immediately followed this section, was repealed 8-15-2011 by Ord. No. 506.

- B. With respect to this chapter, forfeiture amounts shall be:
- (1) First alleged offense: \$50, plus applicable court costs.
 - (2) Second alleged offense: \$100, plus applicable court costs.
 - (3) Third alleged offense: \$150, plus applicable court costs.
- C. Any amendments to the forfeiture of any violation of this chapter may be established by a resolution adopted by a majority vote of the Common Council of the City of Hayward.

