

**TOWN OF MENTOR, CLARK COUNTY, WISCONSIN ORDINANCE 107**  
**AN ORDINANCE ESTABLISHING A CURFEW FOR JUVENILES**

The Town Board of the Town of Mentor, Clark County, Wisconsin do ordain as follows:

**Section 1. Curfew.**

(A) **Curfew Established.** It shall be unlawful for any juvenile age seventeen (17) or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the Town of Mentor between the hours of 10:00 p.m. to 6:00 a.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, or between the hours of 11:00 p.m. to 6:00 a.m. on Friday and Saturday, unless accompanied by his or her parent, legal 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 juvenile, unaccompanied by parent, legal 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 juvenile is there unlawfully and that no reasonable excuse exists therefor:

(B) **Exceptions.**

(1) This Section shall not apply to a juvenile:

- (A) Who is on his/her own premises or in the areas immediately adjacent thereto.
- (B) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
- (C) Who is returning home from a supervised school, church or civic function, but not later than sixty (60) minutes after the ending of such function.

(2) These exceptions shall not, however, permit a juvenile to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

(C) **Parental Responsibility.** It shall be unlawful for any parent, legal

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guardian or other person having the lawful care, custody and control of any person age seventeen (17) or under to allow or permit such person to violate the provisions of Section 1. (A), above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal guardian or custodian herein who shall have made a missing person notification to a law enforcement officer shall not be considered to have allowed or permitted any juvenile age seventeen (17) or under to violate this Section.

**(D) Detaining a Juvenile.** Pursuant to Chapter 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the provisions of this Ordinance, until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to a law enforcement officer for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.

**(E) Warning and Penalty.**

**(1) Warning.** The first time a parent, guardian, or person having legal custody of a juvenile who is taken into custody by a law enforcement officer as provided in Subsection (D) above, such parent, legal guardian, or person having such legal custody shall be advised as to the provisions of this Ordinance and further advised that any violation of this Ordinance occurring thereafter by this juvenile or any other juvenile under his or her care or custody shall result in a penalty being imposed as hereinafter provided.



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- (2) **Penalty.** Any parent, legal guardian, or person having legal custody of a juvenile described in Section 1. (A) above who has been warned in the manner provided in Section 1. (E) (1) herein and who thereafter violates this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. 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 Section because of the disobedience of the juvenile, the action shall be dismissed and the juvenile shall be referred to the court assigned to exercise jurisdiction under Chapter 938, Wis. Stat. Any juvenile seventeen (17) years of age or under who shall violate this Section shall, upon conviction thereof, forfeit not less than twenty five (\$25.00) dollars nor more than two hundred (\$200.00) dollars together with the costs of prosecution.

**SECTION 2. Severability.** The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be effected thereby.

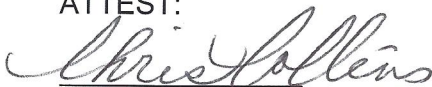
**SECTION 3. Conflicting Ordinances.** Ordinances or parts of ordinances in conflict with the above Ordinance are hereby repealed.

**SECTION 4. Effective Date.** Upon passage and publication, this Ordinance shall take effect and be in force as provided by law.



Marvin Scholze, Chairman  
Town of Mentor, Clark County, Wisconsin

ATTEST:



Chris Collins, Clerk

DATED: 4-9-02  
PASSED: 4-9-02  
PUBLISHED: 4-17-02

**THE UNDERSIGNED WHO IS THE DULY ELECTED, QUALIFIED, AND  
ACTING CLERK OF THE TOWN OF MENTOR, CLARK COUNTY,  
WISCONSIN HEREBY CERTIFIES THAT THE FOREGOING IS A TRUE  
AND COMPLETE COPY OF CITY OF TOWN OF MENTOR ORDINANCE  
NUMBER 107, WHICH WAS ADOPTED BY THE BOARD OF TRUSTEES  
OF THE TOWN OF MENTOR, CLARK COUNTY, WISCONSIN ON APRIL  
9, 2002.**

**DATED:** 4-22-02



**Chris Collins, Clerk  
Town of Mentor,  
Clark County, Wisconsin**

