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ORDINANCE No. 2024-006

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF LINN,
WALWORTH COUNTY, WISCONSIN, S. 6-38, CURFEW

§ 6-38 Curfew.

A. Curfew hours.

~~(1) Curfew hours for minor persons under 16 years of age shall be from 10:00 p.m. to 4:00 a.m.~~

~~(12) Curfew hours for minor persons under 18, 16 and 17 years of age shall be:~~

~~(a) From 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 4:00 a.m. of the following day; and 11:00 p.m. to 6:00 a.m. on all days of the week.~~

~~(b) From 12:00 midnight to 4:00 a.m. on any Friday or Saturday.~~

B. Offenses.

~~(1) A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the Town during curfew hours.~~

~~(2) A parent or guardian of a minor commits an offense if he/she knowingly permits or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the Town during curfew hours.~~

~~(3) The owner, operator or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of an establishment during curfew hours.~~

C. Defenses.

~~(1) It is a defense to prosecution under Subsection B(1) to (3) that the minor was:~~

~~(a) Accompanied by the minor's parent or guardian;~~

~~(b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;~~

~~(c) In a motor vehicle involved in interstate travel;~~

~~(d) Engaged in an employment activity, or going to or returning home from an employment activity without any detour or stop;~~

~~(e) Involved in an emergency;~~

~~(f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;~~

~~(g) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the Town, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the Town, a civic organization or another similar entity that takes responsibility for the minor;~~

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or

(i) Married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended.

(2) It is a defense to prosecution under Subsection B(1) to (3) that the owner, operator or employee of an establishment promptly notify the Police Department that a minor was present on the premises of the establishment during the curfew hours and refused to leave.

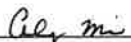
D. Enforcement. Before taking any enforcement action under Subsection B(1) to (3) a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense is present.

Dated at the Town of Linn, Wisconsin, this 10th day of June, 2024.

TOWN OF LINN

BY: 
James Weiss, Chairman

ATTEST


Alyson Morris, Clerk