

Chapter 326

Juveniles

§ 326-1 Curfew.

- A. Curfew established. It shall be unlawful for any juvenile age 14 or younger 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 Village of Campbellsport between 10:00 p.m. and 5:30 a.m. for the five nights commencing with Sunday on any given week, and between 11:00 p.m. and 5:30 a.m. on Friday and Saturday of any given week 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. It shall be unlawful for any juvenile ages 15, 16 or 17 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 Village of Campbellsport between 11:00 p.m. and 5:30 a.m. for the five nights commencing with Sunday on any given week, and between 12:00 a.m. and 5:30 a.m. on Saturday and Sunday mornings of any given week, 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. The fact that said juvenile, unaccompanied by his or her parent, legal guardian or other person having legal custody, is found upon any such public place during the above-mentioned hours shall be apparent evidence that said juvenile is there unlawfully and that no reasonable excuse exists.

§ 326-2 Exceptions.

- (1) This section shall not apply to a juvenile:
- A. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
 - B. Who is on his/her own premises or in the areas immediately adjacent to.
 - 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, but not later than 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 guardian or other person having the lawful care, custody and control of any person age 17 or under to allow or permit such person to violate the provisions of §326-1 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 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, legal guardian or custodian who shall have made a missing person notification to the Police Department shall not be considered to have allowed or permitted any juvenile age 17 or under to violate this section.

- D. Detaining a juvenile. Pursuant to Ch. 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this chapter 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 the Police Department for the purpose of taking the custody of the juvenile and, 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 juvenile is detained by a law enforcement officer of the Village, as provided in Subsection **D**, 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 as provided in § 1-4. If a separate ordinance violation, state statute violation, or under age alcohol violation occurs when the hours of curfew are in force, a new citation may be issued in lieu of a warning.
 - (2) Penalty. Any parent, legal guardian, or person having legal custody of a juvenile described in Subsection **A** above who has been warned in the manner provided in Subsection **E(1)** herein and who thereafter violates this section shall be subject to a penalty as provided in § 1-4 of this Code. 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 juvenile, the action shall be dismissed and the juvenile shall be referred to the court assigned to exercise jurisdiction under Ch. 938, Wis. Stats. Any juvenile 17 years of age or under who shall violate this section shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution.

§ 326-2 Possession of controlled substances by juveniles.

It shall be unlawful for any juvenile to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.

§ 326-3 Petty theft by juveniles.

It shall be unlawful for any juvenile, with intent, to steal or take property from the person or presence of the owner without the owner's consent.

§ 326-4 Receiving stolen goods.

It shall be unlawful for a person under the age of 17 to intentionally receive or conceal property he/she knows to be stolen.

§ 326-5 Village jurisdiction over juveniles.

A. Adoption of state statutes. Sections 938.02 and 938.17(2), Wis. Stats., are hereby adopted and by reference made a part of this section as if fully set forth herein.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADULT

A person who is 18 years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age.

JUVENILE

A person who is less than 18 years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or municipal ordinance, "juvenile" does not include a person who has attained 17 years of age.

- C. Provisions of ordinance applicable to juveniles. Subject to the provisions and limitations of § 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code against juveniles may be brought on behalf of the Village of Campbellsport and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- D. No incarceration as penalty. The court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this section.

§ 326-6 **Possession, manufacture and delivery of drug paraphernalia.**

- A. Definitions. As used in this section, "drug paraphernalia" shall be defined as provided in § 961.571, Wis. Stats.
- B. Determination of drug paraphernalia. Determination of drug paraphernalia shall be made in accordance with § 961.572, Wis. Stats.
- C. Prohibited uses.
 - (1) Possession of drug paraphernalia. No person under 18 years of age may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Ch. 961, Wis. Stats.
 - (2) Manufacture or delivery of drug paraphernalia. No person under 18 years of age may deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Ch. 961, Wis. Stats.
 - (3) Delivery of drug paraphernalia by a minor to minor. Any person who is under 18 years of age who violates Subsection C(2) by delivering drug paraphernalia to a person under 18 years of age who is at least three years younger than the violator is guilty of a special offense.
 - (4) Exemption. This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.
- D. Penalties. Any person who violates Subsection C(1), (2) or (3) shall, upon conviction, be subject to disposition under § 938.344(2e), Wis. Stats.

§ 326-7 **Tuancy.**

The provisions of Wis State Statute §§118.16 are adopted by reference and made part of this Code.

§ 326-8 **Unlawful sheltering of minors.**

- A. No person shall intentionally shelter or conceal a minor child who is:
 - (1) A runaway child, meaning a child who has run away from his or her parent, legal guardian or legal or physical custodian; or
 - (2) A child who may be taken into custody pursuant to § 48.19, Wis. Stats.

(3) No person shall conceal the whereabouts of a child from a parent, guardian, or law enforcement officer.

B. Subsection A applies when the following conditions are present:

(1) The person knows or should have known that the child is a child described in either Subsection A(1) or (2); and

(2) The child has been reported to a law enforcement agency as a missing person or as a child described in Subsection A(1), (2) or (3).

C. Subsection A does not apply to any of the following:

(1) A person operating a runaway home in compliance with § 48.227, Wis. Stats.;

(2) A person who shelters or conceals a child at the request or with the consent of the child's parent, legal guardian or legal or physical custodian, except if the sheltering or concealment violates § 948.31, Wis. Stats.; or

(3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Ch. 48 or 938, Wis. Stats., that he or she is sheltering or concealing such child and provides the person or agency notified with all information requested.

§ 326-9 **Purchase or possession of tobacco products.**

A. Definition of tobacco products. For the purposes of this section, "tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, electronic cigarettes, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

B. Purchase by minors prohibited. It shall be unlawful for any person under the age of 18 years to purchase tobacco products or to misrepresent his/her identity or age or to use any false or altered identification for the purpose of purchasing tobacco products. No adult shall provide a tobacco product to a person under the age of 18.

C. Possession by minors prohibited. It shall be unlawful for any person under the age of 18 years to possess any tobacco products, provided that the possession by a person under the age of 18 years under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or legal guardian's home shall not be prohibited.

D. Statutes adopted. The provisions of §§ 254.92, 134.66 and 778.25(1)(a), Wis. Stats., are adopted by reference and incorporated herein.

§ 326-10 **Smoking by minors near school grounds.**

No person under the age of 18 years shall carry or possess a lighted cigar, cigarette, electronic cigarette, pipe, or any other lighted smoking equipment or tobacco product restricted by state law on public property within 500 feet of a school grounds within the Village of Campbellsport.

§ 326-11 **Possession of Vapor Products by Minors.**

1. Definitions

a. "Minor" means an individual who is less than eighteen (18) years of age.

b. "Non-tobacco smoking product" means any product not containing tobacco which is designed to be ignited and the combustion products inhaled, including but not limited to industrial hemp cigarettes and loose industrial hemp packaged and marketed for smoking.

c. "Person who sells vapor products at retail" means a person whose ordinary course of business

consists, in whole or in part, of the retail sale of vapor products.

- d. "Public place" means a public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or school.
- e. "Use of vapor product or non-tobacco smoking product" means to suck, inhale, ignite, or otherwise consume a vapor product or non-tobacco smoking product.
- f. "Vapor product" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

2. Prohibited Conduct.

- a. Consistent with Wis. Stats. §§ 254.92, a minor shall not do any of the following:
 - I. Purchase or attempt to purchase a vapor product or non-tobacco smoking product.
 - II. Possess or attempt to possess a vapor product or non-tobacco smoking product.
 - III. Use a vapor product or non-tobacco smoking product in a public place.
 - IV. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a vapor product or non-tobacco smoking product.
- b. No individual, regardless of age, who is enrolled in a secondary school may possess or attempt to possess a tobacco product, non-tobacco smoking product, or vapor product while on school property.
- c. An individual who violates subsection (3)(b) shall be subject to the following penalties:
 - I. For the first violation, the person is responsible for a civil infraction punishable by a forfeiture of fifty dollars (\$50).
 - II. For a second and subsequent violation, the person is responsible for a civil infraction punishable by a forfeiture of three hundred dollars (\$300) within an 18 month period.

3. Exception.

- a. Subsection (3) does not apply to a minor participating in any of the following: (a) An undercover operation in which the minor purchases or receives a vapor product or non-tobacco smoking product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action. (b) An undercover operation in which the minor purchases or receives a vapor product or non-tobacco smoking product under the direction of the state police or local police agency as part of an enforcement action, unless the initial or contemporaneous

purchase or receipt of the vapor product or non-tobacco smoking product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

- b. Subsection (3) does not apply to the handling or transportation of a vapor product or non-tobacco smoking product by a minor under the terms of that minor's employment.

4. Furnishing to Minors.

Consistent with Wis. Stats. §§ 134.66:

- a. A person shall not sell, give or furnish any vapor product or non-tobacco smoking product to a minor, including, but not limited to, through a vending machine. A person who violates this subsection is subject to a fine of not less than one hundred dollars (\$100) for each violation and not less than two hundred (\$200) for each subsequent violation in any 18-month period.
- b. Subsection (a) of this section does not apply to the handling or transportation of a tobacco product, non-tobacco smoking product, or vapor product by a minor under the terms of the minor's employment.
- c. Before selling, offering for sale, giving, or furnishing a vapor product or non-tobacco smoking product to an individual, a person shall verify that the individual is at least eighteen (18) years of age by doing one (1) of the following: (a) Examining a government-issued photographic identification that establishes that the individual is at least eighteen (18) years of age; or (b) For sales made by the Internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.

§ 326-12 Criminal gang activity.

- A. Authority. This section is adopted pursuant to the authority granted by § 66.0107 and Ch. 948, Wis. Stats.
- B. Definitions. For purposes of this section, the following terms are defined:

CRIMINAL GANG

An ongoing organization, association or group of three or more persons, whether formal or informal, that has as one of its primary activities the commission of one or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in § 939.22(21)(a) to (s), Wis. Stats., or in any of the Municipal Code sections referred to in the definition of "pattern of criminal gang activity" below, that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

PATTERN OF CRIMINAL GANG ACTIVITY

Has the same meaning as the definition in § 939.22(21), Wis. Stats., the list of offenses in Subsections (a) to (s) of that section, and the following chapters of this Code:

- (1) Chapter 175, Adult Uses.
- (2) Chapter 186, Alcohol Beverages.

- (3) Chapter **326**, Juveniles.
- (4) Chapter **430**, Tobacco and Tobacco Products.
- (4) Chapter **354**, Peace and Good Order.

UNLAWFUL ACT

Includes a violation of any of the Municipal Code sections referred to in the definition of "pattern of criminal gang activity" above or any criminal act or act that would be criminal if the actor were an adult.

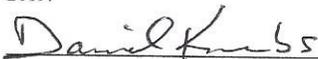
C. Unlawful activity.

- (1) It is unlawful for any person to engage in criminal gang activity.
- (2) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of 18 years to commit or attempt to commit any violation of the provisions of this section, or any one or more of those sections of the Municipal Code referred to in the definition of "pattern of criminal gang activity" in Subsection **B** above.
- (3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of 18 years to participate in criminal gang activity.
- (4) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of 18 years to join a criminal gang.

§ 326-12 **Enforcement; violations and penalties.**

- A. Citation process. For violations of §§ **326-2** through **326-11**, juveniles may be cited by the citation process. A copy will be provided to the parent or legal guardian.
- B. Penalties. Violations of §§ **326-2** through **326-11** by a person under the age of 18 shall be punishable according to §§ **1-4** and **1-5** of this Code and §§ 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this section shall prevent the law enforcement officer, in his/her discretion, from referring cases directly to the District Attorney's office.

Effective Date. This Ordinance shall take effect immediately upon its adoption, approval, and publication. Adopted, recorded and approved this 2nd day of October 2019.



David Krebs Village President

ATTEST: 

Becky Tellier Village Clerk

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