

Title 11 ► Chapter 5

Offenses by Juveniles

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Sec. 11-5-1 Curfew.

- (a) **Curfew Established.** It shall be unlawful for any juvenile under the age of eighteen (18) 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 Elmwood between the hours of 11:00 p.m. and 5:00 a.m., unless such child is 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 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 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, but not later than sixty (60) minutes after the ending of such function.
 - e. Who is at any time, in the event of an emergency which would justify the reasonableness of the person's presence.
 - f. Who is engaged in interstate travel.
 - g. Who is on the sidewalk in front of their home or an adjacent home.
 - h. Who are engaged in exercising First Amendment rights or activities.
- (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 under the age of eighteen (18) to allow or permit such person to violate the provisions of (a) or (b) 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 the police department shall not be considered to have allowed or permitted any juvenile under the age of eighteen (18) 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 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 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 law enforcement 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, legal 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 Section and further advised that any violation of this Section 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.

(2) **Penalty.**

- a. 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 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. Stats.
- b. Any juvenile under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00), together with the costs of prosecution. Any juvenile violating this Section shall be subject to disposition as provided in Sec. 938.343, Wis. Stats., or any subsequent amendment, modification, revision, renumbering, recodification or addition or deletion of said provision.

Sec. 11-5-2 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.

Sec. 11-5-3 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 and with the intent to deprive the owner of the use thereof.

Sec. 11-5-4 Receiving Stolen Goods.

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

Sec. 11-5-5 Village Jurisdiction Over Juveniles.

- (a) **Adoption of State Statutes.** Secs. 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) **Definition of Adult and Juvenile.**

(1) **Adult** means a person who is eighteen (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 seventeen (17) years of age.

(2) **Juvenile** means a person who is less than eighteen (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 seventeen (17) years of age.

(c) **Provisions of Ordinance Applicable to Juveniles.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against juveniles may be brought on behalf of the Village of Elmwood 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.

(e) **Additional Prohibited Acts.** In addition to any other provision of the Village of Elmwood Code of Ordinances, no juvenile shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Ch. 125, Wis. Stats.

(f) **Penalty for Violations of Subsection (d).** Any juveniles who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of this Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 11-4-7.

Sec. 11-5-6 Possession, Manufacture and Delivery of Drug Paraphernalia.

(a) **Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes but is not limited to:

(1) Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

- (2) Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
- (3) Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
- (5) Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
- (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
- (7) Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
- (9) Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
- (12) Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.

(b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
- (3) The proximity of the object in time and space to a direct violation of this Section.
- (4) The proximity of the object to controlled substances.
- (5) The existence of any residue of controlled substance on the object.
- (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
- (7) Oral or written instructions provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explain or depict its use.
- (9) National and local advertising concerning its use.
- (10) The manner in which the object is displayed for sale.
- (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
- (12) The existence and scope of legitimate uses for the object in the community;
- (13) Expert testimony concerning its use.

(c) **Prohibited Uses.**

- (1) **Possession of Drug Paraphernalia.** No person 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 this Subsection.
- (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess 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 this Subsection.
- (3) **Delivery of Drug Paraphernalia by a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection (c)(2) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) 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 Sec. 938.344(2e), Wis. Stats.

Sec. 11-5-7 Truancy and Dropouts.

- (a) **Definitions.** For the purpose of this Section, the following definitions shall be applicable:
 - (1) **Dropout.** A child who has ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Sec. 118.15(1)(b) to (d) or (3), Wis. Stats.
 - (2) **Habitual Truant.** A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats., for part or all of five (5) or more days on which school is held during a school semester.
 - (3) **Truant.** A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats, for part or all of any day on which school is held during a school semester.
- (b) **Truancy.** No person under eighteen (18) years of age shall be truant. Upon conviction thereof, the following dispositions are available to the court:
 - (1) An order for the person to attend school.
 - (2) A forfeiture of not more than Fifty Dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than One Hundred Dollars (\$100.00) plus costs for any second subsequent violation committed within twelve (12) months of a previous violation, subject to Sec. 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture of not more than Five Hundred Dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (c) **Habitual Truancy.**
 - (1) No person under eighteen (18) years of age shall be a habitual truant.
 - (2) If the court determines that a person is a habitual truant, the court may order one or more of the following dispositions:
 - a. Suspension of the person's operating privilege for not less than thirty (30) days nor more than one (1) year. The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation together with a notice stating the reason for and the duration of the suspension.
 - b. An order for the person to participate in counseling or a supervised work program or other community service work as described in Sec. 938.34(5g), Wis. Stats.

The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.

- c. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his/her home if the child is accompanied by a parent or guardian.
 - d. An order for the person to attend an educational program as described in Sec. 938.34(7d), Wis. Stats.
 - e. An order for the Wisconsin Department of Work Force Development to revoke, under Sec. 103.72, Wis. Stats, a permit under Sec. 103.70, Wis. Stats., authorizing the employment of the person.
 - f. An order for the person to be placed in a teen court program as described in Sec. 938.342(1g)(f), Wis. Stats.
 - g. An order for the person to attend school.
 - h. A forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Sec. 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
 - i. An order placing the person under formal or informal supervision, as described in Sec. 938.34(2), Wis. Stats., for up to one (1) year.
 - j. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense, or to attend school with the person, or both.
 - k. Any other reasonable conditions consistent with this Section, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (d) **Dropouts.**
- (1) No person who is at least sixteen (16) years of age but is less than eighteen (18) years of age may be a dropout.
 - (2) If the court determines that a person is at least sixteen (16) years of age but is less than eighteen (18) years of age and is a dropout, the court may suspend the person's operating privilege until the person reaches the age of eighteen (18). The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation, together with a notice stating the reason for and the duration of the suspension.
- (e) **Dispositional Orders and Sanctions.** The court is hereby authorized to exercise each and every kind of authority granted to courts under Wisconsin law. Specifically, the court is hereby authorized to exercise the authority granted to it in Sec. 938.355, Wis. Stats., and is hereby authorized to exercise the authority granted it in Sec. 938.355(6m), Wis. Stats.

- (f) **Adopted Terms.** As used in this Section, the terms "truant", "habitual truant", "operating privilege", and "dropout" have the meanings provided in Sec. 118.163, Wis. Stats. Those definitions are hereby adopted and incorporated herein as if fully set forth. Any future amendment of any such definition is hereby adopted and is incorporated herein as if fully set forth as the effective date of such future amendment.
- (g) **Failure to Cause a Child to Attend School Regularly.**
- (1) Unless the child is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under his/her control a child who is between the ages of six (6) and eighteen (18) years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes eighteen (18) years of age.
 - (2) This Section does not apply:
 - a. To a person who has under his/her control a child who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
 - b. To a person who proves that he/she is unable to comply with the requirements of this Section because of the disobedience of the child, in which case the act shall be dismissed and the juvenile officer of law enforcement authority shall refer the case to the District Attorney's Office.
 - c. Unless evidence has been provided by the school attendance office that the activities under Sec. 118.16(5), Wis. Stats., have been completed or were not required to be completed as provided in Sec. 118.16(5m), Wis. Stats.
- (h) **Contributing to Truancy.**
- (1) Except as provided in Subsection (h)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Subsection (h)(4), of a juvenile shall be subject to a forfeiture pursuant to Section 1-1-6.
 - (2) Subsection (1) above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
 - (3) An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be a truant.
 - (4) "Truancy" means any absence of part or all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or legal guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats.
- (i) **Parent or Legal Guardian Liability for Truancy.**
- (1) Unless the juvenile is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under control a juvenile who is

between the ages of six (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.

- (2) a. A person found to have violated Subsection (i)(1) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-6.
- b. Subsection (i)(2)a above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats., nor does it apply if the person proves that he or she is unable to comply with Subsection (i)(1) because of the disobedience of the juvenile.

Sec. 11-5-8 Unlawful Sheltering of Minors.

- (a) No person shall intentionally shelter or conceal a minor child who:
 - (1) Is a "runaway child", meaning a child who has run away from his or her parent, legal guardian or legal or physical custodian; or
 - (2) Is a child who may be taken into custody pursuant to Sec. 938.19, Wis. Stats.
- (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 (a)(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) or (a)(2).
- (c) Subsection (a) does not apply to any of the following:
 - (1) A person operating a runaway home in compliance with Sec. 938.227, Wis. Stats.; or
 - (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 Sec. 946.71 or 946.715, 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.

Sec. 11-5-9 Purchase or Possession of Tobacco Products.

- (a) **Definitions.** As used in this Section:
 - (1) **Cigarette** has the meaning given in Sec. 139.30(1), Wis. Stats.
 - (2) **Distributor** means a person specified under Sec. 139.30(3) or 139.75(4), Wis. Stats.

- (3) Identification cards means a license containing photograph issued under Ch. 343, Wis. Stats., an identification card issued under Sec. 343.50, Wis., or an identification card issued under Sec. 125.08, Wis. Stats.
 - (4) Jobber has the meaning given in Sec. 139.30(6), Wis. Stats.
 - (5) Law enforcement officer has the meaning given in Sec. 30.50(4s), Wis. Stats.
 - (6) Manufacturer means any person specified under Secs. 139.30(7) or 139.75(5), Wis. Stats.
 - (7) Retailer means any person licensed under Sec. 139.65(1), Wis. Stats.
 - (8) School has the meaning given in Sec. 118.257(1)(c), Wis. Stats.
 - (9) Sub jobber has the meaning given in Sec. 139.75(11), Wis. Stats.
 - (10) Tobacco products has the meaning given in Sec. 139.75(12), Wis. Stats.
 - (11) Vending machine has the meaning given in Sec. 139.30(14), Wis. Stats.
 - (12) Vending machine operator has the meaning given in Sec. 139.30(15), Wis. Stats.
- (b) Restrictions.
- (1) Except as provided in Subsection (c) below, no person under the age of eighteen (18) may buy or attempt to buy any cigarettes or tobacco products, falsely represent his or her age for the purpose of receiving any cigarette or tobacco product, or possess any cigarette or tobacco product. Including, but not limited to cigarette paper, cigarette wrappers, electronic cigarettes, e-liquid, e-cartridges or batteries, or look-alike cigarette paraphernalia, and hookahs or similar paraphernalia, whether electronic or otherwise. Possession of any of the above, shall constitute a violation of this ordinance.
 - (2) Except as provided in Subsection (c) below, no retailer may sell or give cigarettes or tobacco products to any person under the age of eighteen (18). A vending machine operator is not liable under this Subsection for the purchase of cigarettes or tobacco products from his/her vending machine by a person under the age of eighteen (18) if the vending machine operator was unaware of the purchase.
 - (3) A retailer shall post a sign in areas within his/her premises where cigarette or Tobacco product to a person under the age of eighteen (18) is unlawful under this Section or comparable state laws.
 - (4) No person may place a vending machine within five hundred (500) feet of a school.
 - (5) No manufacturer, distributor, jobber, sub jobber or retailer, or their employees or Agents, may provide cigarettes, or tobacco products for nominal or no consideration to any person under the age of eighteen (18).
- (c) Employment Resale Exception. A child may purchase or possess cigarettes or tobacco Products for the sole purpose of resale in the course of employment during his/her normal Working hours if employed by a retailer licensed under Sec. 134.65(1), Wis. Stats.
- (d) Defense of Retailers. Proof of all the following facts by retailer who sells cigarettes or Tobacco products to a person under the age of eighteen (18) is a defense to any prosecution For a violation of Subsection (b)(2) above:
- (1) That the purchaser falsely represented that he/she had attained the age of eighteen (18) and presented an identification card;
 - (2) That the appearance of the purchaser had attained the age of eighteen (18);

- (3) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of eighteen (18).
- (e) **Seizure of Tobacco Products.** A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Subsection (b) above committed in his/her presence.
- (f) **Penalties.**
 - (1) A person who commits a violation of Subsection (b)(2), (4) or (5) of this Section is subject to a forfeiture of:
 - a. Not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
 - b. Not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.
 - (2) In addition, a court shall suspend any license or permit under Secs. 134.65, 139.34 or 139.79, Wis. Stats., as set forth in Sec. 134.66(4), Wis. Stats.
 - (3) Whoever violates Subsection (b)(3) of this Section shall forfeit not more than Twenty-five Dollars (\$25.00).
 - (4) Whoever violates Subsection (b)(1) of this Section shall forfeit not more than Twenty-five Dollars (\$25.00).

Sec. 11-5-10 Criminal Gang Activity Prohibited.

- (a) **Authority.** This Section is adopted pursuant to the authority granted by Sec. 66.051 and Chapter 948, Wis. Stats.
- (b) **Definitions.** For purposes of this Section, the following terms are defined:
 - (1) **"Criminal Gang"** means an ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a) to (s), Wis. Stats., or in any of the Municipal Code sections referred to in Subsection (b)(2) 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.
 - (2) **"Pattern of Criminal Gang Activity"** has the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsections (a) to (s) of that Section to Title 11 of this Code of Ordinances.
 - (3) **"Unlawful Act"** includes a violation of any of the Municipal Code sections referred to in Subsection (b)(2) 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 eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Municipal Code referred to in Subsection (b)(2) above.
- (3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (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 eighteen (18) years, to join a criminal gang.

State Law Reference: Sec. 941.38, Wis. Stats.

Sec. 11-5-11 Enforcement and Penalties.

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-10, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-10 by a person under the age of eighteen (18) shall be punishable according to Section 1-1-6 of this Code of Ordinances and Sections 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office.