

ORDINANCE 11-5-1

AN ORDINANCE TO REPEAL AND RECREATE EXISTING SECTION 11-5-1 OF THE CODE OF ORDINANCES, VILLAGE OF LA FARGE, WISCONSIN, RELATIVE TO CURFEWS.

Section 1. Section 11-5-1 of the Code of Ordinances, Village of La Farge, Wisconsin, is hereby repealed and recreated to read as follows:

"Sec. 11-5-1 Curfew.

(a) Curfew Established.

- (1) **Persons at Least 16 Years of Age.** It shall be unlawful for any person of the age of at least sixteen (16) years but under the age of eighteen (18) years 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 La Farge between the hours of 11:00 p.m. and 6:00 a.m. the next day, 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 therefore.
- (2) **Persons Under 16 Years of Age.** It shall be unlawful for any person under the age of sixteen (16) years 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 La Farge between the hours of 10:00 p.m. and 6:00 a.m. the next day, 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 therefore.
- (3) **Presumption.** 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 therefore."

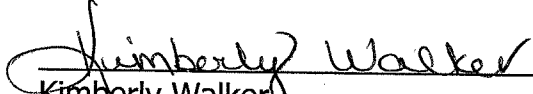
Section 2. This ordinance shall take force and be in effect upon passage and publication.

Adopted by the Village Board, Village of La Farge, Wisconsin, this 9th day of April, 2012.



Larry Gabrielson
Village President

ATTEST:



Kimberly Walker
Village Clerk

Sec. 11-5-1 Curfew.

(a) Curfew Established.

- (1) **Persons at Least 16 Years of Age.** It shall be unlawful for any person of the age of at least sixteen (16) years but under the age of eighteen (18) years 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 La Farge between the hours of 11:00 p.m. and 6:00 a.m. the next day, 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 therefore.
- (2) **Persons Under 16 Years of Age.** It shall be unlawful for any person under the age of sixteen (16) years 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 La Farge between the hours of 10:00 p.m. and 6:00 a.m. the next day, 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 therefore.
- (3) **Presumption.** 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 therefore.

Chapter 5

Offenses by Juveniles

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Sec. 11-5-1 Curfew.

- (a) **Curfew Established.** It shall be unlawful for any person under age 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 LaFarge between the hours of 11:00 p.m. and 6:00 a.m. the next day, 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:
- (b) **Exceptions.**
- (1) This Section shall not apply to a child:
- Who is performing an errand as directed by his parent, guardian or person having lawful custody.
 - Who is on his own premises or in the areas immediately adjacent thereto.
 - Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - 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.

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repealed

- (2) 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.
- (c) **Parental Responsibility.** It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under age 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, 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, 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 age eighteen (18) 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, 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 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 child who is taken into custody by a law enforcement officer as provided in Subsection (d) above, such parent, 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 child or any other child under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- (2) **Penalty.** Any parent, guardian, or person having legal custody of a child described in Subsection (a) above who has been warned in the manner provided in Subsection (d)(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 child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats. Any minor person 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.

11-5-5-1

Sec. 11-5-5-1 JUVENILE DISPOSITIONS AND SANCTIONS IN MUNICIPAL COURT

- (a) **Municipal Court Authority.** The Municipal Court is authorized to impose alternative juvenile dispositions and sanctions:
- (1) ***Ordinance violations.*** For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in sections 938.343 and 938.344, Wisconsin Statutes, in accordance with the provisions of those statutes.
 - (2) ***Violation of dispositional orders.*** For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under sections 938.343 or 938.344, Wisconsin Statutes, the municipal court is authorized to impose any of the sanctions listed in section 938.355(6)(d), Wisconsin Statutes, in accordance with the provisions of those statutes.

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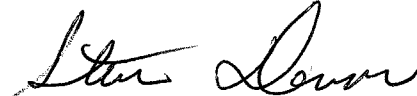
AN ORDINANCE TO CREATE SECTION 11-5-5-1 OF THE CODE OF ORDINANCES, VILLAGE OF LA FARGE, WISCONSIN, AUTHORIZING THE MUNICIPAL COURT TO IMPOSE ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS.

Section 1. Section 11-5-5-1 of the Code of Ordinances, Village of La Farge, Wisconsin, is hereby created to read as set out on the attachment hereto.

Section 2. This section is enacted under the authority of section 938.17(2) (cm), Wisconsin Statutes.

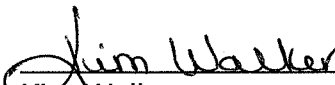
Section 3: This ordinance shall take force and be in effect upon passage and publication.

Adopted by the Village Board, Village of La Farge, Wisconsin, this 14th day of November, 2005.



Steven Donovan
Village President

ATTEST:



Kim Walker
Village Clerk

Sec. 11-5-2 Possession of Controlled Substances by Juveniles.

It shall be unlawful for any person under the age of eighteen (18) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161, of the Wisconsin Statutes.

Sec. 11-5-3 Petty Theft by Juveniles.

It shall be unlawful for any person under the age of eighteen (18), 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 eighteen (18) to intentionally receive or conceal property he knows to be stolen.

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

- (a) **Adoption of State Statute.** 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) **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 LaFarge and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (c) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (d) **Additional Prohibited Acts.** In addition to any other provision of the Village of LaFarge Code of Ordinances, no person age 12 through 16 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 Chapter 125, Wis. Stats.
- (e) **Penalty for Violations of Subsection (d).** Any person 12 through 16 years of age who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of these 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 by a Minor Prohibited.

- (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. 161, 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 sole 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 in violation of this Subsection.

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- (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be solely 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 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 (3) 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 Chapter 161, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 161, 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, Wis. Stats.

Sec. 11-5-7 Truancy.

- (a) **Definitions.** For the purpose of this Section, the following definitions shall be applicable:
 - (1) **Acceptable Excuse.** The meaning as defined in Sections 118.15 and 118.16(4), Wis. Stats.
 - (2) **Act of Commission or Omission.** Anything that contributes to the truancy of a juvenile, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act would be to cause the child to be truant.
 - (3) **Habitual Truant.** A pupil who is absent from school without an acceptable excuse for either of the following:
 - a. Part or all of five (5) or more days out of ten (10) consecutive days in which school is held during a school semester.
 - b. Part or all of ten (10) or more days in which school is held during a school semester.
 - (4) **Truancy.** 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 guardian of the absent pupil. Intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats., shall also be considering truancy.
- (b) **Prohibition Against Habitual Truant.** Any person attending school in the Village between the ages of six (6) and eighteen (18) years, subject to the exceptions found under Sec. 118.15, Wis. Stats., is prohibited from becoming a habitual truant as the term is defined in this Section. Any police officer in this Village is authorized to issue a citation

to any such person who is determined to be a habitual truant under the terms of this Section.

- (c) **Preconditions to Issuance of Citation.** Prior to the issuance of any citation, the district school Attendance Officer shall provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled has within the school year during which the truancy occurred:
- (1) Met with or attempted to meet with the juvenile's parent or guardian to discuss the juvenile's truancy.
 - (2) Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.
 - (3) Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
 - (4) Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.
- (d) **Form of Citation.** Any citation issued shall be returnable in the Municipal Court in the same manner as all other ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.
- (e) **Disposition.** Upon a finding the juvenile is habitually truant, the following dispositions are available to the Court:
- (1) **Suspension of Operating Privileges.** Suspend the juvenile's operating privileges as defined in Sec. 340.02(40), Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days. The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.
 - (2) **Counseling, Service or Work Program.** Order the juvenile to participate in counseling, community service or a supervised work program under Sec. 48.34(9), Wis. Stats.
 - (3) **In-House Restraint.** Order the juvenile to remain at home except for the hours in which the juvenile 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 juvenile to leave home if the juvenile is accompanied by a parent or guardian.
 - (4) **Educational Programs.** Order the juvenile to attend an educational program as set forth in Sec. 48.34(12), Wis. Stats.
 - (5) **Revocation of Work Permits.** Order the Department of Industry, Labor and Human Relations (DILHR) to revoke a work permit to the juvenile.
 - (6) **Teen Court Program.** Order the juvenile to be placed in a teen court program if all of the following conditions apply:
 - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines

that participation in the court program will likely benefit the juvenile and the community;

- b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
- (7) **Parental Counseling.** Order the parent, guardian or legal custodian of a habitually truant juvenile to participate in counseling at his or her own expense.
- (f) **Required School Attendance.**
- (1) **Violations.** Any person having under his/her control a juvenile who is between the ages of six (6) and eighteen (18), subject to the exceptions found in Sec. 118.15, Wis. Stats., shall cause the juvenile to attend school regularly during the full period and hours that the public or private school in which the juvenile shall 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) **Exceptions.**
 - a. A person will not be found in violation of this Subsection if that person can prove that he/she is unable to comply with the provisions of this Section because of the disobedience of the juvenile. The juvenile shall be referred to the Court assigned to exercise jurisdiction under Ch. 48, Wis. Stats.
 - b. A person will not be found in violation of this Subsection if he/she has a juvenile under his control and the child has been sanctioned under Sec. 49.50(7)(h), Wis. Stats.
 - (3) **Proof Required for Exacting a Penalty.** Before a person may be found guilty of violating this Section, the school attendance officer must present evidence to the Court that the activities under Sec. 118.16(5), Wis. Stats., have been completed by the school system. If that evidence has been presented to the Court and if the Court finds a person guilty of violating this Section, a forfeiture may be assessed as hereinafter provided.
- (g) **Contributing to Truancy.**
- (1) Except as provided in Subsection (g)(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 (g)(4), of a child shall be subject to a forfeiture pursuant to Section 1-1-6.
 - (2) Subsection (g)(1) above does not apply to a person who has under his or her control a child 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 child 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 child 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 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.

(h) **Parent or Guardian Liability for Truancy.**

- (1) Unless the child is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under 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 of 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) a. A person found to have violated Subsection (h)(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 (h)(2)a above does not apply to a person who has under his or her control a child 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 (h)(1) because of the disobedience of the child.

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, guardian or legal or physical custodian; or
 - (2) Is a child who may be taken into custody pursuant to Section 48.19, 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 Section 48.227, Wis. Stats.; or
 - (2) A person who shelters or conceals a child at the request or with the consent of the child's parent, guardian or legal or physical custodian except if the sheltering or concealment violates Section 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 Chapter 48, 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.** In this Section:
- (1) "Cigarette" has the meaning given in Sec. 139.30(1), Wis. Stats.
 - (2) "Law Enforcement Officer" has the meaning given in Sec. 30.50(4s), Wis. Stats.
 - (3) "Tobacco Products" has the meaning given in Sec. 139.75(12).
 - (4) "Child" means a person under the age of 18.
 - (5) "Vending Machine" has the meaning given in Sec. 139.30(14), Wis. Stats.
 - (6) "Retailer" has the meaning given in Sec. 134.66(1)(g), Wis. Stats.
- (b) **Prohibitions.** Except as provided in Subsection (c), no child may do any of the following:
- (1) Buy or attempt to buy any cigarette or tobacco product.
 - (2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
 - (3) Possess any cigarette or tobacco product.
- (c) **Exception.** A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Sec. 134.65(1), Wis. Stats.
- (d) **Enforcement.**
- (1) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Subsection (b) committed in his or her presence.
 - (2) Any child violating the provisions of this Section will be subject to a forfeiture not to exceed Twenty-five Dollars (\$25.00) in accordance with Sec. 48.343(2), Wis. Stats.
- (e) **Retailers.** No retailer may sell or give any cigarette or tobacco product to any child. A vending machine operator is not liable under this Subsection for the purchase of any cigarette or tobacco product from her or her vending machine by a child if the vending machine operator was unaware of the purchase.

Sec. 11-5-10 Enforcement and Penalties.

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-9, 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 11-5-9 by a person under the age of eighteen (18) shall be punishable according to Secs. 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.