

VILLAGE OF PULASKI, WISCONSIN

ORDINANCE NO. 574-19

**AN ORDINANCE AMENDING SECTION 44.12 OF THE CODE OF
ORDINANCES AUTHORIZING THE PETITION TO CIRCUIT COURT
FOR IMPOSITION OF JUVENILE SANCTIONS UNDER
CHAPTER 938, WIS. STATS.**

WHEREAS, the Village of Pulaski operates and maintains a Municipal Court under the provisions of Chapter 800 of the Wisconsin Statutes known as the “Pulaski Area Municipal Court”; and

WHEREAS, under the provisions of Wisconsin Statutes, the Pulaski Area Municipal Court has, among other things, jurisdiction over juvenile violations within the Village, including those related to truancy and habitual truancy; and

WHEREAS, the Municipal Court is desirous of availing itself of the juvenile sanctions provisions for enforcement of Village Ordinances, including truancy prevention, set out in Chapter 938 of the Wisconsin Statutes; and

WHEREAS, in enforcement of juvenile sanctions, the Municipal Court is further desirous of availing itself of the ability to refer juveniles found to be habitual truants to Brown County Circuit Court for possible imposition of sanctions imposed under Chapter 938, Wis. Stats., including the provisions of Sec. 938.355(6)(d), Stats, and Sec. 938.3655(6m), Stats., which gives the Circuit Court the authority to order placement of the juvenile in a juvenile detention facility or juvenile portion of a county jail that meets the standards promulgated by the department of corrections by rule or in a place of nonsecure custody, for not more than 10 days with the provision of educational services consistent with his or her current course of study during the period of placement; and

WHEREAS, Section 938.17(2)(cm), Stats., requires that in order for the Village and its Municipal Court to take advantage and avail itself of the juvenile sanctions provisions under Sec. 938.355(6)(d), Stats, and Sec. 938.3655(6m), Stats., the Village must adopt an ordinance authorizing and approve the use and imposition by the Circuit Court of those sanctions; and

WHEREAS, the Village staff is recommending that the Village adopt an ordinance under the provisions of Section 938.17(2)(cm), Stats., through the amendment of the provisions of Sec. 44.12 of the Code of Ordinance in the manner set out in EXHIBIT “A” hereto;

NOW, THEREFORE, THE VILLAGE BOARD OF AND FOR THE VILLAGE OF PULASKI, WISCONSIN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. That the provisions of Section 44.12 of the Municipal Code of Ordinances be amended to add thereto Section 44.12(e)(11) of the Code regarding the petition to the Circuit Court for imposition of juvenile sanctions under the provisions of Sec. 938.355(6)(d), Stats, and Sec. 938.355(6m), Stats, in the manner described in EXHIBIT “A” hereto and in compliance with the provisions of Sec. 938.17(2)(cm), Stats., be, and the same hereby are, approved.

SECTION TWO. That all other ordinances in conflict herewith be, and the same hereby are, repealed.

SECTION THREE. That this Ordinance shall take effect immediately upon the passage and publication of the same as made and provided by law.

ADOPTED this 5th day of August, 2019.

APPROVED this 5th day of August, 2019.

VILLAGE OF PULASKI, WISCONSIN

Reed Woodward
Village President

ATTEST:

Karen Ostrowski
Village Clerk,

EXHIBIT "A"

44.12 TRUANCY OFFENSES

(a) **DEFINITIONS.** For the purposes of this Section, the following definitions shall apply:

- (1) **"Habitual truant"** shall mean a pupil who is absent from school without an acceptable excuse under §118.15, Stats., for part or all of five (5) or more days on which school is held during a school semester.
- (2) **"School attendance officer"** means an employee designated by the School Board to deal with matters relating to a school attendance and truancy.
- (3) **"Truancy"** means any absence for all or part of one 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 §118.15 of the Wisconsin Statutes.
- (4) **"Truant"** means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Stats., for a part or all of any day on which school is held during a school semester.

(b) **TRUANCY PROHIBITED.** No child required to attend school pursuant to the provisions of §118.15, Wis. Stats., shall be absent from school for part or all of one or more days during which school attendance is required or engaged in intermittent attendance for the purpose of defeating the intent of these ordinances and of §118.15, Wis. Stats., unless the school attendance officer or principal of the child's school, or the child's teacher has been notified of the legal and acceptable cause of such absence by the parent or guardian of the absent pupil.

(c) **TRUANCY DISPOSITION.** Any child found by the Court to be truant shall, pursuant to the provisions of §118.163(1m), Wis. Stats., shall be subject to one or more of the following dispositions:

- (1) An order for the person to attend school.
- (2) A forfeiture of not more than \$50.00, plus court costs, for a first violation, or a forfeiture of not more than \$100.00, plus court costs, for a second or subsequent violation committed within twelve (12) months of a previous violation, subject to the provisions of §938.37, Stats., and subject to a maximum cumulative forfeiture amount of not more than \$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.

- (d) **HABITUAL TRUANCY PROHIBITED.** No child required to attend school, pursuant to the provisions of §118.15, Stats., shall be absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester unless the school attendance officer or principal of the child's school, or the child's teacher, has been notified of the legal and acceptable cause of such absence by a parent or guardian of the absent pupil.
- (e) **HABITUAL TRUANCY DISPOSITION.** Any child found by the Court to be a habitual truant shall be subject to one or more of the following dispositions:
- (1) Suspension of the child's operating privilege, as defined in §340.01(40), Wis. Stats., for not less than thirty (30) days nor more than one (1) year. In such event, the Court shall immediately take possession of the suspended driver's license and forward that license to the Department of Transportation, together with a notice stating the reason for and the duration of the suspension.
 - (2) Order the child to participate in counseling, community service or a supervised work program as provided under §938.34(5g), Wis. Stats. The cost of any such counseling, supervised work program, or other community service work may be assessed against the person, the parents or the guardian of the person, or both.
 - (3) Order the child to remain at home except during hours in which the child 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 the child to leave his or her home if the child is accompanied by a parent or guardian.
 - (4) Order the person to attend an educational program under the provisions of §938.34(7d), Stats.
 - (5) Order the Department of Industry, Labor and Human Relations to revoke, under §103.72, Stats., a permit issued under §103.70, Stats., authorizing the employment of the person.
 - (6) Order the person to attend school.
 - (7) Impose a forfeiture of not more than \$500.00, plus costs, subject to §938.37, Stats., all or part of which forfeiture, plus costs, may be assessed against the person, the parents, or guardian of the person, or both.
 - (8) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on

specified premises and restrictions on associating with other children or adults.

- (9) An order placing the person under formal or informal supervision, as described in §938.34(2), Stats., for up to one (1) year.
 - (10) An order for the person's parent, guardian or legal custodian to participate in counseling at the parents' guardian's or legal custodian's own expense, or to attend school with the person, or both.
 - (11) The Court, on behalf of the Village, may petition the Branch of the Circuit Court assigned to exercise jurisdiction under Chapter 938 and Chapter 48 of the Wisconsin Statutes to impose those juvenile sanctions authorized and provided under Sec. 938.355(6)(d), Wis. Stats., and Sec. 938.355(6m), Wis. Stats., for which the Village shall assume and be responsible for all costs and expenses associated therewith.
- (f) **CONTRIBUTING TO TRUANCY.** Any person 18 years of age or older, who has been found by the Court to have, by act or omission, knowingly encouraged or contributed to the truancy of a child, shall be subject to a forfeiture as provided in the general penalty provisions of Sec. 1.06. (Ord. #385)