

**TOWN OF PEMBINE
MARINETTE COUNTY
PEMBINE, WISCONSIN**

ORDINANCE 91.00

**ARTICLE 1
Truancy**

Prohibited acts.

A child is prohibited from being a truant.

Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE-An acceptable excuse as defined in §§ 118.15 and 118.16(4), Wis. Stats.

TRUANT - A pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.

Violations and penalties.

Upon finding that a child is truant, the court shall enter an order making one or more of the following dispositions:

- A. Order the person to attend school.
- B. Impose a forfeiture of not more than \$50 plus costs for a first violation or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to § 938.37, Wis. Stats., and subject to a maximum accumulative forfeiture amount of \$500 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.

**ARTICLE 2
Habitual Truancy**

Prohibited acts.

A child is prohibited from being a habitual truant.

Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE- An acceptable excuse as defined in §§ 118.15 and 118.16(4), Wis. Stats.,

HABITUAL TRUANT - A pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

Violations and penalties.

Upon finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:

- A. Suspend the child's operating privilege, as defined in § 340.01(40), Wis. Stats., for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
- B. Order the person to participate in counseling or a supervised work program or other community service work as described in § 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. 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 a person to leave his or her home if the person is accompanied by a parent or guardian.
- D. Order the person to attend an educational program as described in § 938.34(7d), Wis. Stats.
- E. Order the Department of Workforce Development to revoke, under § 103.72, Wis. Stats., a permit under § 103.70, Wis. Stats., authorizing the employment of the person.
- F. Order the person to be placed in a teen court program as described in § 938.342(1g)(f), Wis. Stats.
- G. Order the person to attend school.
- H. Order a forfeiture of not more than \$500 plus costs, subject to § 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. Order reasonable conditions consistent with § 118.163(2), Wis. Stats., including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- J. Place the person under formal or informal supervision, as described in § 938.34(2), Wis. Stats., for up to one year.
- K. Order 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.

ARTICLE 3
School Dropouts

Prohibited acts.

A child is prohibited from being a school dropout.

Definitions.

As used in this article, the following terms; shall have the meanings indicated:

ACCEPTABLE EXCUSE- An acceptable excuse as defined in §§ 118.15 and 118.16, Wis. Stats.

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 for nonattendance of school.

Violations and penalties.

Upon finding a child is a dropout, the court shall enter an order suspending the operating privilege of a person who is at least 16 years of age but less than 18 years of age. The court may suspend the person's operating privilege until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

ARTICLE 4

Sanctions for Violations of Dispositional Orders

Subsequent dispositional order.

After holding a hearing, the Municipal Court may impose sanctions on juveniles who violate their dispositional order related to truancy, habitual truancy or dropping out of school regardless of whether the particular sanction was imposed as a disposition in the order violated by the juvenile, provided that:

- A. At the juvenile's dispositional hearing, the court explained the conditions of the dispositional order to the juvenile and informed the juvenile of the possible sanctions that could be imposed for a violation of those conditions; or
- B. Before the subsequent violation, the juvenile has acknowledged in writing that he or she has read, or had read to him or her, those conditions and possible sanctions and he or she understands the conditions and possible sanctions.

Subsequent dispositional order for truancy.

If the court finds a subsequent violation of a condition of a truancy dispositional order, the court may order as a sanction any combination of the following:

- A. Suspension of the child's operating privilege, as defined in § 340.01(40), Wis. Stats., for not more than one year. If the juvenile does not hold a valid driver's license, other than an instruction permit or a restricted license, the court may order the suspension to begin on the date the license would otherwise be reinstated or issued or two years after the date of the order, whichever occurs first.

- B. Order the person to participate in counseling or a supervised work program or other community service work as described in § 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. 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 a person to leave his or her home if the person is accompanied by a parent or guardian.
- D. Order the person to attend an educational program as described in § 938.34(7d), Wis. Stats.
- E. Order the Department of Workforce Development to revoke, under § 103.72, Wis. Stats., a permit under § 103.70, Wis. Stats., authorizing the employment of the person,
- F. Order the person to be placed in a teen court program as described in § 938.342(1g)(f), Wis. Stats.
- G. Order the person to attend school.
- H. Order a forfeiture of not more than \$500 plus costs, subject to § 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. Order reasonable conditions consistent with § 118.163(2), Wis. Stats., including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- J. Place the person under formal or informal supervision, as described in § 938.34(2), Wis. Stats. for up to one year.
- K. Order 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.

Subsequent dispositional order for habitual truancy.

If the court finds a subsequent violation of a condition of a habitual truancy dispositional order, the court may order as a sanction any combination of the following:

- A. Petition the Juvenile Court of the County of Marinette to impose a sanction. If the Juvenile Court imposes a sanction, the Juvenile Court must order the town to pay the county the costs of providing the sanction. A petition for placement of a juvenile in a secured detention facility or juvenile portion of a county jail is subject to the adoption of a resolution by the Marinette County Board of Supervisors authorizing the use of these placements as a sanction.
- B. Suspend the operating privilege or place a limitation on the operating privilege, as defined in § 340.01(40), Wis. Stats. Suspend or place a limitation on any fish or game license for not more than one year. If the juvenile does not hold a valid driver's license, other than an instruction permit or a restricted license, the court may order the suspension to begin on

the date the license would otherwise be reinstated or issued or two years after the date of the order whichever occurs first.

- C. Order counseling or participation for not more than 25 hours in a supervised work program or other community service work. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents
- D. or guardian of the person, or both.
- E. Order any of the dispositions described in § 80-16C through K of this chapter

Subsequent dispositional order for dropouts.

If the court finds a subsequent violation of a condition of a dropout dispositional order, the court may impose any of the sanctions listed in Subsections A to C below. In order to impose the home detention with monitoring by electronic monitoring system in Subsection B below the court must first petition the Juvenile Court to impose the sanctions listed in Subsection B below. If the Juvenile Court imposes the monitoring by electronic monitoring system sanction, the Juvenile Court shall also order the municipality to pay the county the cost of providing the sanction.

- A. Suspension or limitation on the use of the juvenile's operating privileges or any fish or game license for a period of not more than three years. If the juvenile does not hold a valid driver's license, other than an instruction permit or restricted license, the court may order the suspension to begin on the date the license would otherwise be reinstated or issued or two years after the date of the order, whichever occurs first.
- B. Detention at the juvenile's home or current residence for a period not more than 30 days under rules of supervision specified in the order. The order may require electronic monitoring.
- C. Not more than 25 hours of uncompensated participation in a supervised work program or other community service work.

Contempt sanctions.

If a juvenile commits a second or subsequent violation of a condition imposed in his or her dispositional order, the court may impose contempt sanctions upon the juvenile as provided in § 800.12, Wis. Stats., except those provisions providing for incarceration.

**ARTICLE 5
Enforcement**

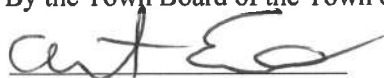
The Town Chairman, Town Supervisors, School Official (designated by Town Chairman), and any duly qualified law enforcement officer; have the authority under this ordinance to enforce this ordinance and issue citations for any and all said violations thereof.

**ARTICLE 6
Effective Date**


Following adoption, this ordinance shall take effect 30 (thirty) days after the publication or posting as provided by sec. 60.80 Wis. Stats.

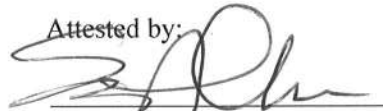
Adopted this 11th day of June 2024.

By the Town Board of the Town of Pembine, Marinette County, State of Wisconsin,


Anthony Erno, Supervisor


Christopher Bigelow, Supervisor


Ross Bole, Chairperson

Attested by:

Suzanne Allen, Town Clerk

[This ordinance must be posted in three places within the town within 30 days of adoption pursuant to s.60.80 Wis. Stat. and chapter 985 Wis. Stats.] This Ordinance takes effect on July 11, 2024.