



Legislation Text

File #: 031508, Version: 1

Number  
031508  
Version  
SUBSTITUTE 1  
Reference

Sponsor  
THE CHAIR  
Title

A substitute ordinance relating to exceptions to curfew hours for minors.

Sections  
106-23 rc

Analysis

This ordinance amends s. 106-23 of the code relating to curfew hours for minors by including exceptions for the exercise of first amendment rights.

Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 106-23 of the code is repealed and recreated to read:

106-23. Loitering of Minors (Curfew Hours). It shall be unlawful for any person under the age of 17 years to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, places of employment, vacant lots or any public places in the city either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 10 p.m. and 5 a.m. of the following day, official city time, Sunday through Thursday and between 11 p.m. and 5 a.m. Friday and Saturday, from September 1 through May 31; and between 11 p.m. and 5 a.m. from June 1 through August 31.

1. EXCEPTIONS. This section shall not apply where the actor was accompanied by his or her parent, guardian or other adult person having his or her care, custody or control, or where the actor was exercising first amendment rights protected by the United States constitution or the Wisconsin constitution, including freedom of speech, the free exercise of religion, and the right of assembly. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall, prior to issuing a citation for an offense under this section, afford the actor an opportunity to explain his or her reasons for being present in the public place. A peace officer shall not issue a citation for an offense under this section unless the officer reasonably believes that an offense has occurred, and that none of the exceptions described in this subsection apply.

2. RESPONSIBILITY OF PARENTS. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a person under the age of 17 years to suffer or permit or by inefficient control to allow such person to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, places of employment, vacant lots or any public places in the city between the hours of 10 p.m. and 5 a.m. of the following day, official city time, Sunday through Thursday, and between 11 p.m. and 5 a.m. Friday and Saturday, from September 1 through May 31; and between 11 p.m. and 5

a.m. from June 1 through August 31, unless one of the exceptions described in sub. 1 applies; provided that any parent, guardian or other adult person who shall have made a missing person notification to the police department shall not be considered to have suffered or permitted any person to be in violation of this section.

3. RESPONSIBILITY OF OPERATORS. It shall be unlawful for any person, firm or corporation operating places of amusement or entertainment, or any agent, servant or employe of any person, firm or corporation to permit any person under the age of 17 years to enter or remain in such places of amusement or entertainment during the hours prohibited under this section, unless one of the exceptions described in sub. 1 applies.

4. RESPONSIBILITY OF HOTELS, ETC. It shall be unlawful for any person, firm or corporation operating a hotel, motel, lodging or rooming house, or any agent or servant or employe of such person, firm or corporation operating a hotel, motel, lodging or rooming house, to permit any person under the age of 18 years to visit, loiter, idle, wander or stroll in any portion of such hotel, motel, lodging or rooming house between the hours of 10 p.m. and 7 a.m. of the following day, official city time; provided, however, that this section does not apply when one of the exceptions described in sub. 1 applies.

5. PENALTY. Any person, firm or corporation violating this section upon conviction shall forfeit not less than \$100 nor more than \$200, and in default of payment thereof be confined in the county house of correction not more than 8 days.

LRB  
APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date: \_\_\_\_\_

Attorney  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney  
Date: \_\_\_\_\_  
Requestor

Drafter  
LRB04088-2  
TWM/cac  
2/25/2004