

ORDINANCE #2019-2

**AN ORDINANCE AMENDING THE CITY OF ARCADIA
CODE OF ORDINANCES RELATING TO THE TRUANCY OF MINORS
IN THE CITY OF ARCADIA, WISCONSIN**

The Common Council of the City of Arcadia, Wisconsin do ordain as follows:

SECTION 1. Article I of Chapter 261 of the City of Arcadia Code of Ordinances is hereby amended and recreated to read in its entirety as follows:

“§ 261-1. Authority and Jurisdiction.

Except as otherwise expressly noted herein, this chapter shall prohibit a person under 18 years of age from being a truant or a habitual truant. This chapter is adopted under *Wis. Stat. §§ 118.163(1m), (2) and (2m)*. The Municipal Court of the City of Arcadia has jurisdiction over truancy cases pursuant to the *Juvenile Code §§ 938.125, 938.17(2) and 938.342, Wis. Stats.* Further, the provisions of *Wis. Stat. § 118.163* and all dispositions available thereunder except for teen court are adopted.

§ 261-2. Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE

An acceptable excuse as defined in *Wis. Stat. §§ 118.15(1)(b) to (d) or (3), and 118.16(4)*.

HABITUAL TRUANT

A pupil who is absent from school without an acceptable excuse, as defined in *Wis. Stat. §§ 118.15(1)(b) to (d) or (3), and 118.16(4)*, for part or all of five or more days on which school is held during a school semester of a school year.

TRUANCY

Any absence for part or all of one or more days from school during which the school attendance officer, if any, the 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 compulsory school attendance as provided in *Wis. Stat. § 118.15*.

TRUANT

A pupil who is absent from school without an acceptable excuse, as defined in *Wis. Stat. §§ 118.15(1)(b) to (d) or (3)*, and *118.16(4)*, for part or all of any days on which school is held during a school semester of a school year.

§ 261-3. **Prohibition of truancy.**

The City of Arcadia by this chapter does prohibit the following:

- I. any student within its jurisdiction from being truant or habitual truant as those terms are defined in this chapter;
- II. any person from contributing to the truancy of another; and
- III. any student in any public or parochial school from violating any school rule, violation of which could result in suspension or expulsion from school.

The Arcadia Police Department is authorized to issue a municipal citation to any such student found within its jurisdiction who is determined to be truant or habitually truant under the terms of this chapter. Further the Arcadia Police Department is authorized to issue a municipal citation to any person who is contributing to the truancy of another, in accordance with the terms of this chapter.

Prior to the issuance of a habitual truancy citation, law enforcement personnel must find that school officials have done all of the following:

- I. Met with or attempted to meet with the child's parent or guardian to discuss the child's truancy.
- II. Provided an opportunity for educational counseling to the child and considered curriculum modifications.
- III. Evaluated the child to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
- IV. Conducted an evaluation to determine whether social problems are the cause of the child's truancy and, if so, taken appropriate action or made appropriate referrals.

Any citation issued under this chapter is subject to the jurisdiction of the Municipal Court for the City of Arcadia. The citation is to state on its face that it is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.

The child shall be referred to the Trempealeau County Department of Human Services for review and supervision.

§ 261-4. **Dispositional Orders of the Municipal Court.**

- I. If a person under 18 years of age is found guilty or delinquent of being a truant, the following dispositions are available to the Municipal Court:

- (a) An order for the person to attend school; and
 - (b) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to *Wis. Stat. § 938.37*, and 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.
- II. If a person under 18 years of age is found guilty or delinquent of being a habitual truant, the following dispositions are available to the Municipal Court:
- (a) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The Municipal Court may take possession of any suspended license. If the Municipal Court takes possession of a license, it shall destroy the license. The Clerk of the Municipal Court shall forward to the Wisconsin Department of Transportation a notice stating the reason for and the duration of the suspension;
 - (b) An order for the person to participate in community service work as may be assessed against the person, the parents or guardian of the person, or both;
 - (c) An order for the person to attend school;
 - (d) A forfeiture of not more than \$500.00 plus costs, subject to *Wis. Stat. § 938.37*. All or part of the forfeiture plus costs, if any, may be assessed against the person, the parents or guardian of the person, or both;
 - (e) An order placing the person on formal or informal supervision for up to one year;
 - (f) An order revoking the person's work permit;
 - (g) Any other reasonable conditions consistent with *Wis. Stat. § 118.163*, including, but not limited to a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults; and
 - (h) 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.
- III. If a person is at least 16 years of age but less than 18 years of age and is a dropout, as defined by *Wis. Stat. § 118.153(1)(b)*, the Municipal Court may suspend the person's operating privilege until the person reaches the age of 18. The Municipal Court may take possession of any suspended license. If the Municipal takes possession of a license, it shall destroy the license. The clerk for the Municipal Court shall forward to the Wisconsin Department of Transportation a notice stating the reason for and the duration of the suspension.
- IV. If a person is found guilty or delinquent of contributing to the truancy of another, the following dispositions are available to the Municipal Court:

- (a) A forfeiture of not more than \$500.00 plus costs, subject to *Wis. Stat. § 938.37*. All or part of the forfeiture plus costs, if any, may be assessed against the person, the parents or guardian of the person, or both; and
- (b) Any other reasonable conditions consistent with *Wis. Stat. § 118.163*, including, but not limited to restrictions on the person associating (including, but not limited to: contacting, communicating, or spending time together) with the truant or habitual truant.

V. All dispositional orders shall be in writing and shall contain a statement of the conditions with which the person found guilty or delinquent is required to comply.”

SECTION 2. This Ordinance #2019-2 shall be effective upon passage and publication as required by law.

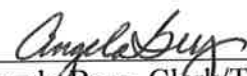
ADOPTED at a regular meeting of the City of Arcadia Common Council this 7th day of August, 2019.

CITY OF ARCADIA

By: 

Robert Reichwein, Mayor

ATTEST:


Angela Berg, Clerk/Treasurer

Adopted: August 7, 2019

Published: August 14, 2019