

**Chapter 9.26**  
**Custodial Parent Responsibility for**  
**Juvenile Misconduct**

**Sections:**

- 9.26.010 Purpose.**
- 9.26.020 Definitions.**
- 9.26.030 Prohibited Conduct.**
- 9.26.040 Defenses.**
- 9.26.050 Unlawful Sheltering of minors.**

**9.26.010 Purpose.**

The purpose of this section is to reduce the incidents of misconduct by juveniles by requiring proper supervision on the part of the custodial parent.

**9.26.020 Definitions.**

For the purposes of this section, unless otherwise defined, the following definitions apply:

*Child* means a person under the age of seventeen (17) years.

*Custodial parent* means a parent, guardian, or legal custodian of a minor who has custody of said child.

*Custody* means either physical custody of a child under a court order under Wis. Stats. §767.23 or §767.24, or the custody of a child under a stipulation under Wis. Stat. §767.10, or actual physical custody of the child. Custody does not include legal custody, as defined under Wis. Stat. §48.02(12) by an agency or a person other than a child's birth or adoptive parent. In determining which parent has custody of a child for purposes of this section, the court shall consider which parent had responsibility for caring for and supervising the child at the time that the child's ordinance violation occurred.

**9.26.030 Prohibited Conduct.**

Every custodial parent has a duty to properly supervise his or her child. Any custodial parent whose child is convicted of a municipal code violation twice in a six-month period, or three or more times within a twelve-month period, is guilty of failing to properly supervise said child. The six and twelve-month periods shall be measured from the date of the first violation.

**9.26.040 Defenses.**

A. The following shall be defenses to a violation of this section:

1. Where the parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct;

2. Where the parent is not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or

3. Where the parent has a physical or mental disability or incompetence rendering them incapable of supervising the juvenile at the time the misconduct occurred.

B. It is not a defense where the parent assigns his or her parental responsibility to another, except pursuant to legal proceedings, which result in a court order implementing such assignment.

C. The parent has the burden of proving his or her defense by clear and satisfactory evidence. (Ord. 2005-4)

**9.26.050 Unlawful Sheltering of Minors.**

A. No person shall, unless duly licensed under the state statutes, without having first obtained the permission of the parents or legal guardian of any minor or without first notifying law enforcement or the existence of a minor described in subsection (1) below, on premises owned or operated by or under the control of such person:

1. By any means conceal or shelter, or assist in the concealing or sheltering of any minor who is under the legal custody of the par-

ents or legal guardian and while the minor is on report with any law enforcement agency as a “missing person”, a “runaway” or a “wanted person”; or

2. Supply false information to or obstruct any police officer in the performance of the officer’s duty to locate or take into custody any minor described in this section.

B. Any person who violates subsection (A) shall be subject to the provisions of section 1.20.01

### **Chapter 9.28 Weapons**

#### **Sections:**

**9.28.010 Discharging and carrying firearms, guns, and bows prohibited.**

**9.28.020 Archery.**

**9.28.030 Penalty for violation.**

#### **9.28.010 Discharging and carrying firearms, guns, and bows prohibited.**

A. No person, except a sheriff, police officer, constable, or their deputies, or the varmint control officer, shall fire or discharge any firearm, rifle, spring activated gun, air gun, bow and arrow, or cross bow within the village of Oakfield, or have any such weapon in his possession or under his control unless it is unloaded and knocked down, or enclosed within a carrying case or other suitable container.

B. This section shall not prevent the maintenance of any firearm, rifle, spring activated gun, air gun, bow and arrow, or cross bow.

C. This section shall be deemed to prohibit hunting or target practicing within the village of Oakfield, except as provided under Section 9.28.020

D. The chief of police, or his designee, may issue a written permit to the owner(s) of private premises to hunt or shoot on such

premises, if the chief of police finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of others. (Ord. dated 12/9/98 [part])

#### **9.28.020 Archery.**

A. Notwithstanding Section 9.28.010, no person shall shoot a bow and arrow within the village of Oakfield unless listed on a current annual archery permit issued by the police department. The property owner shall apply for the permit. The property owner and, if applicable, any other person that is permitted to shoot, shall be listed on the permit.

B. The archery permit shall be good for one year. Only those persons specifically listed on the permit shall have permission to shoot a bow and arrow within the village of Oakfield at the specified archery permit site. The proposed archery shooting or practice site shall be inspected by the police department and deemed safe before a permit is issued.

C. The police department shall look at safety issues related to the proposed archery shooting or practice site. The permit shall be posted at the shooting or practice site in plain view during shooting.

D. The annual permit fee shall be stated on the permit. The village board shall set the annual fee. The village of Oakfield reserves the right to revoke any permit for noncompliance with any and all rules as stated on the permit. (Ord. 2001-4)

#### **9.28.030 Penalty for violation.**

Any person who shall violate any provision of this chapter shall, upon conviction, be subject to the penalties established under Chapter 1.20, Section 1.20.010.