



To: Members of the Administrative Committee

From: Chief Tim Styka

Date: November 28, 2012

RE: Proposed Ordinance Changes: Truancy & Theft from Service Providers

The Police Department is recommending two changes to the Municipal Code.

The first change is to 11-2-13, Truancy. Currently our ordinance only allows for an officer to issue a summons to a child who is truant from school. The change we are recommending would allow for the parent or guardian who is allowing the child to be truant to be issued a summons. The only recourse in these situations right now would be to refer the parent to court on a State charge. While we do not anticipate issuing many summonses for this violation, having this tool available to the PSLOs to help gain compliance will be very beneficial. It should be noted that other communities such as Appleton and Green Bay have successfully been using this ordinance for a number of years.

The second change would add State Statute 943.21 to our list of other adopted State Statutes contained under 11-1-1. This statute allows for a summons to be issued if a person intentionally absconds after receiving goods or services from businesses such as restaurants, taxi cabs and gas stations.

ORDINANCE O-18-12

AN ORDINANCE AMENDING TITLE 11, CHAPTER 2 OF THE CODE OF ORDINANCES
(Habitual Truancy Prohibited)

Introduced by Alderman Klein

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 11, Chapter 2, of the Code of Ordinances of the City of Menasha, Wisconsin by creating SEC.11-2-13 (d) as follows:

Title 11 – Offense and Nuisances

CHAPTER 2

Offenses Against Public Safety and Peace

SEC. 11-2-13 HABITUAL TRUANCY PROHIBITED.

...

(d) Contributing to Truancy

- (1) No person 17 years of age or older, by any act or omission, shall knowingly encourage or contribute to truancy, as defined under section 11-2-13 (a) of a person 17 years of age or under.
- (2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.26 (1) (h) Wisconsin Statutes.
- (3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this day of , 2012.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk