

RESOLUTION 55**ORDINANCE _____**

The County Board of Supervisors of the County of Polk does ordain as follows:

CONTRIBUTING TO TRUANCY, TRUANCY, AND HABITUAL TRUANCY**A. Definitions:**

1. "Truancy" means any absence of part or all of one or more days from school during which the school attendance officer, 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 Section 118.15 of the Wisconsin Statutes [Wisconsin Statutes, 1999-2000].
 2. "Habitually Truant" means a pupil who is absent from school without an acceptable excuse of either part or all of five (5) or more days during a school semester.
 3. "Truant" means 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.
 4. "Acceptable Excuse" means an excuse as defined in Sections 118.15 and 118.16 Wisconsin Statutes, [Wisconsin Statutes, 1999-2000].
- B. No person shall, by any act or omission, knowingly encourage or contribute to the truancy of a person under the age of eighteen (18) years of age as defined under Section 118.16(i)[c], [Wisconsin Statutes, 1999-2000].
- C. No person under the age of eighteen (18) years of age, who is a resident of Polk County or who attends a public school situated in Polk County, shall be truant.
- D. No person under the age of eighteen (18) years of age, who is a resident of Polk County, or who attends a public school situated in Polk County, shall be habitually truant.
- E. Penalties:**
1. A person guilty under B. of this ordinance shall be subject to a forfeiture of \$50.00 plus costs for each offense.

2. A person found to have violated section C. of this ordinance shall be subject to a forfeiture of \$50.00 plus costs for the first violation, or a forfeiture of \$100 plus costs for any second or subsequent violation committed within twelve months of a previous violation. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
3. A person found to have violated section D. of this ordinance shall be subject to a forfeiture of not more than \$500.00 plus costs, subject to section 938.37 [Wisconsin Statutes, 1999-2000]. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

F. **Use of Citation:** Any law enforcement officer may issue a citation to anyone who it is believed has violated any provision of this ordinance. The citation shall include the following:

- a. The name and address of the alleged violator.
- b. The factual allegations describing the alleged violation.
- c. The time and place of the offense.
- d. The section of the ordinance violated
- e. A designation of the offense in a manner than can be readily understood by a person making a reasonable effort to do so.
- f. The time at which the alleged violator may appear in court.
- g. A statement which in essence informs the alleged violator that he/she may make a cash deposit of a specified amount to be mailed to a specified official within a specified time; that if the alleged violator makes such a deposit, he/she need not appear in court unless subsequently summoned; that if the alleged violator make a cash deposit and does not appear in court, he/she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture and assessments specified by law not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest; if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issues a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment or the county may commence an action against the alleged violator to collect the forfeiture and the assessment specified by law.
- h. **Cash deposits:** A person alleged to have violated section B. of this ordinance may post a cash deposit of \$150.50; a person alleged to have violated section C. of this ordinance may post a cash deposit of \$150.50 for the first offence and \$212.00 for the

second and subsequent offenses within a twelve month period;
and a person alleged to have violated section D. of this ordinance
may post a cash deposit of \$704.00.

Funding Amount: N/A

Funding Source: N/A

Date Finance Committee Advised: N/A

Effective Date: Upon Publication as provided for by law.

Approved as to Form: Robert L. Hachey
Robert L. Hachey, Corporation Counsel

Date Submitted to County Board: 5/21/02 County Board Action: adopted

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