

## CHAPTER 4

### SAUK COUNTY TRUANCY AND JUVENILE TOBACCO PRODUCTS

4.01	Definitions	4.07	Enforcement
4.02	Prohibited Product	4.08	Repeal of Conflicting Ordinances
4.03	Penalties	4.09	Severability
4.04	Parental Prohibitions	4.10	Purchase or Possession of Tobacco Products Prohibited by Children
4.05	Dropouts	4.11	Prosecution
4.06	Parental Penalties		

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**4.01 Definitions.** (1) ACCEPTABLE EXCUSE has the meaning provided in §§ 118.15 and 118.16(4) of the Wisconsin Statutes.

(2) HABITUAL TRUANT means a pupil who is absent from school without an acceptable excuse for either of the following:

(a) Part or all of five (5) or more days out of ten (10) consecutive days on which school is held during a semester.

(b) Part or all of ten (10) or more days on which school is held during a school semester.

(3) TRUANT means a pupil who is absent from school without an acceptable excuse under §§ 118.15 and 118.16(4) Stats., for part or all of any day on which school is held during a school semester.

**4.02 Prohibited Conduct.** Any person under the age of 18 years enrolled in school shall not be a "habitual truant."

**4.03 Penalties.** (1) Any person who is deemed to be a "truant" may be subject to one (1) or more of the following dispositions by the Court:

(a) Order the person to attend school

(b) Impose a forfeiture of not more than fifty dollars (\$50.00) plus costs for the first violation, or a forfeiture of not more than one hundred dollars (\$100.00) plus costs for any second or subsequent violation committed within 12 months of the previous violation, subject to § 938.37 Stats., and subject to a maximum cumulative forfeiture of not more than five hundred dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture(s) plus costs may be assessed against the person, the parents or guardian of the person or both.

(2) Any person who is deemed to be a "habitual truant" may be subject to one (1) or more of the following dispositions by the Court:

(a) Suspend the child's operating privilege, as defined in § 340.01(40) Stats., for not less than 30 days nor more than one (1) year. The Judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the suspension.

(b) Order the child to participate in counseling, community service or a supervised work program under § 938.34(5g) Stats.

(c) Order the child to remain at home except during the hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(d) Order the child to attend an educational program under § 938.34(7d) Stats.

**4.04 Parental Prohibitions.** No parent, guardian or other adult may knowingly allow a student to absent himself or herself from attendance at school without an acceptable excuse. Each day or part of day that a parent, guardian or other adult knowingly allows a student to absent himself or herself from school without an acceptable excuse shall constitute a separate offense.

**4.05 Dropouts.** The Court may suspend the operating privilege, as defined in § 340.01(40) Stats., of a person who is at least 16 years of age, but less than 18 years of age and is a dropout, until

the person reaches the age of 18. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for, and the duration of, the suspension.

**4.06 Parental Penalties.** Any parent, guardian or other adult who knowingly allows a student to absent himself or herself from attendance at school without an acceptable excuse shall be in violation of § 118.15 Stats., and shall forfeit to Sauk County upon conviction thereof the following:

(a) Forfeiture of not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00) for the first offense.

(b) Forfeiture of not less than forty dollars (\$40.00) nor more than three hundred dollars (\$300.00) for any subsequent offense within a one (1) year period.

(c) Fees and costs of prosecution as provided by § 814.63 Stats., together with any other fees authorized or required to be imposed by the Wisconsin Statutes.

**4.07 Enforcement.** Sworn law enforcement officers at all levels within Sauk County shall have the authority to enforce this chapter and shall have the authority to issue citations or complaints for violations of this chapter in that part of any city or village located in the County or in any town located in the County unless the city, village or town has enacted an ordinance under § 118.163(2) Stats.

(a) Citation process. Any citation written pursuant to this paragraph for enforcement of this section shall conform with the requirements of § 66.119 Stats. A person issued a citation for which a monetary forfeiture is provided under this ordinance may remit a forfeiture of fifty dollars (\$50.00), or such other amount authorized pursuant to Chapter 20 of the S.C.C.O., together with any other costs and fees authorized or required to be imposed by the Wisconsin Statutes, in cash, by certified check or money order, to the Clerk of Courts at the Courthouse, 515 Oak Street, Baraboo, Wisconsin 53913. The Clerk shall provide a receipt for each cash deposit received. Deposits may be mailed to or delivered personally to the Office of the Clerk of Courts. The provisions of §

66.119(3) Stats., violator's options and procedure on default is hereby adopted.

**4.08 Repeal of Conflicting Ordinances.**

All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect upon passage and publication.

**4.09 Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the County Board would have passed the other provisions of this ordinance irrespective of whether or not one (1) or more provisions may be declared invalid and if any provision of this ordinance or the application thereof of any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**4.10 Purchase or Possession of Tobacco Products Prohibited by Children.** (1) In this Section:

(a) CIGARETTE has the meaning given in § 139.30(1) Stats.

(b) LAW ENFORCEMENT OFFICER has the meaning given in § 30.50(4s) Stats.

(c) TOBACCO PRODUCTS has the meaning given in § 139.75(12) Stats.

(2) Except as provided in subsection (3), no child may do any of the following:

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

(c) Possess any cigarette or tobacco product.

(3) A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under § 134.65(1) Stats.

(4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of subsection (2) committed in his or her presence.

(5) Sworn law enforcement officers at all levels within Sauk County shall have the authority to enforce this section and have authority

to issue citations for violations of this section except within any town, village or city that has adopted or adopts an ordinance under § 938.983 Stats.

**4.11 Prosecution. (1)** Actions under this chapter shall be prosecuted in the name of Sauk County by the Sauk County District Attorney in the circuit court in accordance with provisions of Chapter 778 Stats.

**(2)** All actions under this chapter shall be commenced by the issuance and following of the citation prepared in accordance with Chapter 20 of the Sauk County Code of Ordinances.

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Repealed and recreated by Ordinance No. 14-99, adopted by the Sauk County Board of Supervisors on January 19, 1999.