


**OFFICE OF THE MAYOR**

Jim Ardis
Mayor

TO: Members of the City Council
City Manager Randy Oliver
Corporation Counsel Randy Ray
City Clerk Mary Haynes

FROM: Mayor Jim Ardis 

DATE: July 24, 2007

SUBJECT: **PARENTAL RESPONSIBILITY ORDINANCES**

I am attaching a communication that I sent to the previous council this past spring with a few examples of Parental Responsibility Ordinances being used in other cities. I would like to entertain a discussion on the need for a similar ordinance in Peoria sometime in August.

Under New Business tonight, I will ask for your support in pursuing this discussion at that time. Please feel free to bring other ideas forward in this regard. I appreciate your thoughtful consideration regarding this matter. I realize this is a sensitive subject that creates many questions. This may be another tool in our box to address a serious issue in our community and I believe our constituents would like to provide input and listen to the debate.

Thanks in advance for taking time to consider this information.

JA/lmc

Enclosures

U:070724 Parental Resp cover





City Hall Building
419 Fulton Street
Peoria, Illinois 61602
309/494-6519
FAX 309/494-9559

**OFFICE OF THE MAYOR**

Jim Ardis
Mayor

TO: The Members of the City Council
City Manager Randy Oliver
Corporation Counsel Randy Ray
Police Chief Steve Settingsgaard
City Clerk Mary Haynes

FROM: Mayor Jim Ardis 
Councilman Eric Turner 

DATE: March 19, 2007

SUBJECT: PARENTAL RESPONSIBILITY ORDINANCES

Please find enclosed copies of parental responsibility ordinances being used in other cities. Adopting an ordinance, similar to one of these, to fit our needs is something being discussed in the community and may be something we want to explore. Councilman Turner has done a lot of research on what other cities are doing, and there are more examples out there.

Please take a few moments to read through these and provide feedback. Feel free to research the subject on your own and bring additional info to the table. With the timing of the elections, I would look to have a discussion on this subject after the new Council is seated, if there is a majority wishing to do so.

Thanks in advance for taking time to consider this information.

JA/kc

Enclosures



City Hall Building
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Peoria, Illinois 61602
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6-3-1: PARENTAL RESPONSIBILITY:

A. Definitions: The following definitions shall apply in the interpretation and enforcement of this section:

LEGAL GUARDIAN: A person appointed guardian or given custody of a minor by a court, but it does not include a person appointed guardian or given custody of a minor under the juvenile court act, as amended, in the state of Illinois.

MINOR: Any person above the age of eleven (11) but not yet nineteen (19) years of age.

B. Exercise Of Parental Responsibility: It shall be unlawful for the parent or legal guardian of an unemancipated minor residing with such parent or legal guardian to fail to exercise proper parental responsibility by allowing, failing to supervise, or permitting such minor to commit any violation of a city ordinance or state statute concerning battery, curfew, disorderly conduct, fireworks, indecent exposure, intimidation, possession of spray paint or permanent markers, obscene conduct, vandalism, trespass, truancy, loitering, possession of alcoholic beverages, cannabis, controlled substance, or weapons of any kind.

C. Violation: A parent or legal guardian shall be in violation of this section if:

1. The minor has been either adjudicated to be in violation of any ordinance or state statute as described in subsection B of this section (except if found to be not guilty); or has incurred nonjudicial sanctions from any peace officer, police officer, or conservator of the peace resulting from an admission of guilt to an offense of an ordinance or state statute as described in subsection B of this section; and

2. The parent or legal guardian has received a written notice by certified mail, return receipt requested, or by personal service in substantially the following form:

LEGAL NOTICE

To: (Parents' Names)

From: Des Plaines Police Department

You are hereby notified that (minor's name) has been involved in the commission of (specify offense and date of offense), which is a violation of a state statute or city ordinance. If your minor child is again involved in a violation of state statutes or city ordinances involving battery, curfew, disorderly conduct, fireworks, indecent exposure, intimidation, possession of spray paint or permanent markers, obscene conduct, vandalism, trespass, truancy, loitering, possession of alcoholic beverages, cannabis, or controlled substance, or any other offense of willful or malicious nature to persons or property within the next two (2) years, you will be charged with parental irresponsibility.

Conviction for said offense can result in a fine of not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00). You are hereby notified that you must exercise proper parental responsibility over said minor by controlling his unlawful conduct.

3. The minor, within two (2) years of the receipt of the notice by the parent or legal guardian, has been either adjudicated to have committed, has been charged with the violation (except if found to be not guilty), or has admitted to have committed any violation of any ordinance or state statute as described in subsection A of this section.

D. Appearance In Court: It is the policy of the city of Des Plaines that a parent or legal guardian of the minor is charged with a violation of an ordinance or state statute which requires a minor's appearance in court, and that a parent or legal guardian be required to accompany the minor to court. To this end, it is hereby directed that a notice in substantially the following form be sent to the parents or legal guardians of the minor.

LEGAL NOTICE

To: (Parents' Names)

From: Des Plaines Police Department

You are hereby notified that (minor's name) has been charged with an offense which is a violation of a city ordinance or state statute, and which requires the appearance of said minor in court. You are further notified that one of the parents of said minor must appear in court before the case will be tried or be disposed.

If you fail to appear, the city attorney has been directed to have issued a subpoena to bring you into court. Failure to obey a subpoena can result in contempt of court, with a fine or imprisonment as the penalty.

(Ord. M-19-02, 4-1-2002)

E. Penalty: Any person convicted of any violation of the provisions of this section shall be fined as provided in the general penalty in section 1-4-1 of this code for each offense, and in addition may be sentenced to probation or conditional discharge with the conditions being that the parent or legal guardian make restitution or reparation in any amount not to exceed actual loss or damage to property or pecuniary loss. The court shall determine the amount and conditions of payment. Where the conditions or payment have not been satisfied, the court may, at any time prior to the expiration or termination of the period of probation or of conditional discharge, impose an additional fine. The city attorney, at his/her discretion, shall seek to nonsuit and ask for dismissal of charge upon satisfactory termination of the conditions of conditional discharge as set forth by the trial judge. In addition to and in lieu of penalties set forth above, a period of community service not to exceed one hundred sixty (160) hours may be imposed on the minor and parent or legal guardian who violate any provision of this section. Community service may consist of manual labor provided at the school in which the child attends, the city, or it may include library work, documented written projects being submitted by both parent and child, parent effective training, or any other suitable project that the parent and child might participate in that will cause a positive behavioral change. The court is asked to be firm but flexible in the assigning of community service with the intent to quickly modify negative behavioral traits. (Ord. M-19-02, 4-1-2002; amd. 2002 Code)

F. Damage To Persons Or Property:

1. **Liability Of Parent:** The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the wilful or malicious acts of such minor which cause injury to a person or property.
2. **Recovery Of Damage Costs; Limit:** Recovery of damages under this section shall include actual damages occasioned by such minor, which damages shall be payable to the person or entity entitled to such damages; court costs and/or administrative filing fees and attorney costs and fees incurred in enforcement of this section, and any attorney costs and fees, court costs or administrative fees, if any, incurred by the city in the prosecution of such minor for a violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property, if such minor is convicted of violating such a law. In no event shall the amount recoverable under this section exceed the sum of two thousand five hundred dollars (\$2,500.00).
3. **Judgments; Applicability Of Other Laws:** Section 12-107 of the code of civil procedure⁶⁷ as amended, is not applicable to judgments obtained under this section.
4. **Common Law Damages:** Nothing in this section shall affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law basis. (Ord. M-19-02, 4-1-2002)

Grand Rapids, Michigan

Chapter 168 PARENTAL RESPONSIBILITY

Sec. 9.812. Purpose.

Sec. 9.813. Definitions.

Sec. 9.814. Parental Duties.

Sec. 9.815. Aiding and Abetting Delinquent Acts.

Sec. 9.816. Notification of Parents: Record of Notification.

Sec. 9.817. Penalties.

Sec. 9.818. Severability.

Sec. 9.812. Purpose.

This Chapter is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Grand Rapids and is intended to address situations where parents have failed to act responsibly and reasonably in the supervision of their minor children to the detriment of the general public.

(Ord. No. 97-2, § 1, 1-7-97)

Sec. 9.813. Definitions.

As used in this Chapter:

(a) Delinquent Act means an act which violates the laws of the United States, or the statutes of the state or the ordinances of the city or an act which would cause the minor to come under the jurisdiction of the juvenile division of the Probate Court as defined by MCLA 712A.2, but does not include a civil infraction traffic violation.

(b) Minor means any unemancipated person under the age of seventeen (17) years.

(c) Parent means mother, father, legal guardian and any other person having the care or custody of a minor, or any person seventeen (17) years of age or older with whom the minor resides.

(d) Drugs means any controlled substance as defined now or hereafter by the Public Health Code for the State of Michigan. Currently, such substances are defined in Part 72 of the Health Code being sections 333.7201 et seq., of the Michigan Compiled Laws.

(Ord. No. 97-2, § 1, 1-7-97)

Sec. 9.814. Parental Duties.

(a) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

(b) No parent of any minor shall fail to exercise reasonable parental control over such minor. The exercise of reasonable parental control shall include, but is not limited to, the following:

(1) Keeping drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional.

(2) Keeping firearms out of the possession of the minor except those used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent.

(3) Requiring the minor to observe the curfew ordinance of the City of Grand Rapids.

- (4) Requiring the minor to attend regular school sessions and forbidding the minor to be absent from class without parental or school permission.
- (5) Arranging proper supervision for the minor when the parent must be absent.
- (6) Preventing the minor from maliciously or willfully destroying any property which belongs to any other person.
- (7) Forbidding the minor from keeping stolen property or alcoholic beverages.
- (8) Seeking help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.
- (9) Assisting and cooperating with governmental authorities in their efforts to handle or control the minor, including production of the minor for juvenile court appointments and hearings.

(Ord. No. 97-2, § 1, 1-7-97)

Sec. 9.815. Aiding and Abetting Delinquent Acts.

Any person who shall by any act, omission, or by any word, procure, counsel, aid, abet, encourage, contribute toward, cause or tend to cause any minor to become delinquent so as to come under or tend to come under the jurisdiction of the juvenile division of the probate court, as defined in MCL 712A.2, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor.

(Ord. No. 97-2, § 1, 1-7-97)

Sec. 9.816. Notification of Parents; Record of Notification.

(a) Whenever a minor is arrested or detained for the commission of any delinquent act within the City of Grand Rapids, the Grand Rapids Police Department shall immediately attempt to notify the parent of such arrest or detention, the reason therefore, and the parent's responsibility under this Chapter.

(b) A record of such notification efforts shall be kept by the Grand Rapids Police Department.

(Ord. No. 97-2, § 1, 1-7-97)

Sec. 9.817. Penalties.

(a) Upon the first conviction for a violation of any provision of this Chapter, the Court shall impose a fine and/or a jail term as provided for in Section 1.13 of this Code and any other costs or fees permitted or required by law. In addition to such fine and/or jail term the Court shall, unless it makes a specific finding that probation is inappropriate, exercise its authority to sentence the Defendant to a term of probation with such conditions as the Court deems appropriate. Such conditions may include participation in, and completion of, programs or therapies deemed appropriate by the Court in light of the facts of the particular case community service and/or work crew. Restitution shall also be required to make whole any victim or third party who has suffered financial loss in connection with the charged violation. Should the Court choose not to sentence the Defendant to a term of probation or should the Court suspend all or any portion of a fine, costs or restitution assessed against the Defendant, the Court shall so state on the record and shall state the reason or reasons for its action. In addition to the penalties provided for in this subsection, the Court may also impose any penalties otherwise

provided for by law.

(b) Upon the second or subsequent violation of any provision of this Chapter, the Court shall assess a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) in addition to any costs or fees permitted or required by law. In addition to such fines and costs, the Court may impose a jail sentence of up to ninety (90) days. The Court may in its discretion also impose any of the penalties provided for in subsection (a) of this section or otherwise permitted by law.

(Ord. No. 97-2, § 1, 1-7-97)

Sec. 9.818. Severability.

Should any section, subdivision, clause or phrase of this Chapter be declared by the courts to be invalid or unenforceable, such holding shall not affect the validity or enforceability of the Chapter as a whole or of any part thereof, other than such parts so invalidated or declared unenforceable.

(Ord. No. 97-2, § 1, 1-7-97)

ORDINANCE 2006-10

AN ORDINANCE TO REQUIRE A PARENT OF A MINOR CHILD TO EXERCISE REASONABLE CONTROL OVER THAT CHILD TO PREVENT THE CHILD FROM COMMITTING ANY DELINQUENT ACT

THE CITY OF ROYAL OAK ORDAINS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the "Parental Responsibility Ordinance".

Section 2. STATEMENT OF PURPOSE. This is an ordinance to require a parent of a minor child to exercise reasonable control over that child to prevent the child from committing any delinquent act.

Section 3. PARENTAL RESPONSIBILITY. Chapter 278 of the Code of the City of Royal Oak, "Disorderly Conduct", Article VI, shall be amended to include a new Section, which shall provide as follows:

"Parental responsibility".

A. As used in this Section, the following terms shall have the following meaning:

CONTROLLED SUBSTANCE- A drug, substance, or immediate precursor included in Schedules 1 to 5 of Part 72 of the Michigan Public Health Code, as amended.

DELINQUENT ACT- An act which violates the laws of the United States, the laws of the State of Michigan, or an ordinance of the City of Royal Oak, or which would cause a minor to come under the jurisdiction of the family division of the circuit court, as defined by MCL 712A.2, as amended. "Delinquent act" does not include a traffic violation which is designated as a civil infraction.

MINOR- Any unemancipated person under the age of seventeen (17).

PARENT-The mother, father, legal guardian and any other person having the care of custody of a minor, or any person seventeen (17) years of age or older with whom the minor resides, at the time that the delinquent act is alleged to have been committed by the minor.

B. Parental duties.

(1) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

(2) No parent of any minor shall fail to exercise reasonable parental control over the minor. The exercise of reasonable parental control shall include, but is not limited to, the following:

(a) Keeping controlled substances out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional.

(b) Keeping firearms out of the possession of the minor, except those used for hunting in accordance with all applicable laws and regulations and with the knowledge and supervision of a parent.

(c) Requiring the minor to observe the curfew ordinance of the City of Royal Oak.

(d) Requiring the minor to attend regular school sessions and forbidding the minor to be absent from class without parental or school permission.

- (e) Arranging proper supervision for the minor when the parent is absent.
- (f) Forbidding the minor from willfully or maliciously destroying property belonging to another person.
- (g) Forbidding the minor from knowingly possessing stolen property.
- (h) Forbidding the minor from possessing alcoholic beverages.
- (i) Seeking help from the appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.
- (j) Assisting or cooperating with governmental authorities in their efforts to handle or control the minor, including the production of the minor for court appointments and hearings.

(3) Notification of parents; record of notification.

(a) Whenever a minor is arrested or detained for the commission of any delinquent act within the City of Royal Oak, the Royal Oak Police Department shall immediately attempt to notify the parent of such arrest or detention, the reason for the arrest or detention, and the parent's responsibility under this Section. A record of such notification efforts shall be kept by the Royal Oak Police Department.

C. Penalties.

- (1) A violation of this Section is a civil infraction.
- (2) Upon the first conviction of a violation of this Section, the parent shall be subject to a fine of not less than \$100.00, plus the costs of prosecution.
- (3) Upon the second conviction of a violation of this Section, the parent shall be subject to a fine of not less than \$250.00, plus the costs of prosecution.
- (4) Upon the third or subsequent conviction of a violation of this Section, the parent shall be subject to a fine of not less than \$500.00, plus the costs of prosecution.
- (5) Pursuant to the violation of this Code, the parent shall to the fullest extent permitted by law be held civilly responsible for any damages caused by the commission of any delinquent act within the City."

Section 4. SEVERABILITY. If any section, subsection, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. SAVINGS. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 6. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. EFFECTIVE DATE. This Ordinance shall take effect ten (10) days after the final passage.

Mary Ellen Graver, City Clerk

James B. Ellison, Mayor

Date Adopted: 11/20/06
Date Published: 11/24/06
Effective Date: 11/30/06

Silverton, Oregon

ORDINANCE NO. 94-132

AN ORDINANCE relating to Parental Responsibility, creating offenses, providing a remedy for victims, and stating an effective date.

Whereas, the residents of the City of Silverton are concerned with the proliferation of illegal activity by minors in violation of the municipal code, and

Whereas, parents of minors should strive to exercise the supervision and care that will avoid the occurrence of juvenile incidents and to enhance the protection of juveniles by the adults responsible for their actions;

NOW, THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1. A person commits the offense of **FAILING TO SUPERVISE A MINOR** if: The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child has been found on private property or premises open to the public in violation of any provision of Silverton Municipal code.

Section 2. It shall be a defense to the offense of failure to supervise a minor if the child's violation of the Code occurred in the presence of the Person. It shall be a defense to the offense of failure to supervise a minor if the violation occurred on private property of the Person.

Section 3. In addition to any fine or penalty imposed pursuant to this ordinance, the Court may order the Person to pay any restitution to a victim of the minor's conduct. The amount of restitution ordered pursuant to this ordinance shall not exceed \$2,500.00.

Section 4. If a child in violation of section 1 of this Ordinance is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of this ordinance, rather than to the child for violation of any provision of the Silverton Municipal code.

Section 5. The first time a person is convicted of an offense described in section 1 of this ordinance, the person shall not be required to pay a fine exceeding \$100.00 if the person successfully participates and completes a parent effectiveness program to the satisfaction of the court.

Section 6. The offense described in this ordinance of failure to supervise a minor is a Class A infraction punishable by a maximum fine of \$1,000.

Section 7. This ordinance becomes operative on January 1, 1995.

FIRST READ to the Council the 5 day of December, 1994.

PASSED by the Council this 5 day of December, 1994.

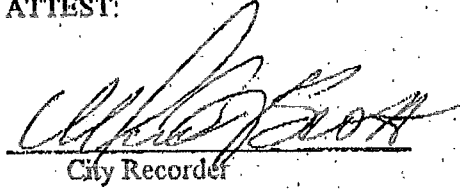
SIGNED by the Mayor this 5 day of December, 1994.

Effective this 1 day of January, 1995.



Mayor

ATTEST:


City Recorder

2 NOTE: Matter in [redacted] is new; matter [-1.1] is existing law to be omitted.

*Note:
This Ordinance
has since been
repealed (in
2002).*

EMERGENCY

City of Cincinnati

Doc. #199901154

M/12/07
- 1996

An Ordinance No. 161

REORDAINING Section 911-29, "Parental Responsibility," of the Cincinnati Municipal Code to provide criminal penalties for parents or guardians who fail to supervise their children who are under 18 years of age.

WHEREAS, it has been shown that children who have parents who participate in their lives are less likely to commit criminal acts or become involved in the Juvenile Court system; and

WHEREAS, parental accountability has become the subject of legislation in other jurisdictions; and

WHEREAS, legislation that requires parents to be responsible for the supervision and control of their children results in increased parental accountability and is an appropriate way to address local increases in juvenile crime; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 911-29 of the Cincinnati Municipal Code is reordained to read as follows:

§ 911-29. Parental Responsibility.

(a) A parent who has parental rights and responsibilities for the care of a child under 18 years of age and is the residential parent and legal custodian of such child, a guardian who has custody of such child, or other custodian of such child, is charged with the control of the child and shall have the power to exercise parental control and authority over the child.

It shall be unlawful for a parent, legal custodian, legal guardian, or other person lawfully charged with the care of a child under 18 years of age, to fail to supervise such child.

Parental responsibility to supervise such child and exercise parental control with regard to such child includes but is not limited to the following duties:

1. To keep illegal drugs out of the home and out of possession of such child, except those drugs duly prescribed by a licensed physician or other authorized medical professional;

2. To keep firearms out of the possession of such child except those used for hunting in accordance with state law and with knowledge and supervision of a parent;

3. To exercise and have in place reasonable controls so as to prevent such child from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including the City of Cincinnati;

4. To exercise and have in place reasonable controls so as to prevent such child from engaging in theft of property or keeping in his or her possession property known to be stolen;

5. To exercise and have in place reasonable controls so as to prevent such child from engaging in violent or assaultive behavior directed at persons.

An adjudication that a child under the age of 18 years of age has been found a "delinquent child", as such is defined in Section 2151.02 ORC for criminal conduct other than that which would lead to a "status" crime violation, such as a curfew or truancy violation, or has been found guilty of a criminal conviction when said child has been tried as an adult, three times within any two year period, shall be prima facie evidence that said parent or guardian failed to supervise the child.

(b) This section shall not apply to a public children services agency as defined in ORC 2151.011, or to foster parents.

(c) In a prosecution of a person for failing to supervise a child under subsection (a) of this section, it is an affirmative defense that the person:

(1) is the victim of the act that brings the child within the jurisdiction of the juvenile court, or

(2) reported the act to the appropriate authorities

(d) Whoever violates this section is guilty of failing to supervise a child. Upon first conviction, the offender shall be subject to a fine of up to \$250 and/or ordered to perform community service. The fine and/or community service will be suspended if the person charged completes a parenting training class designated by the City of Cincinnati.

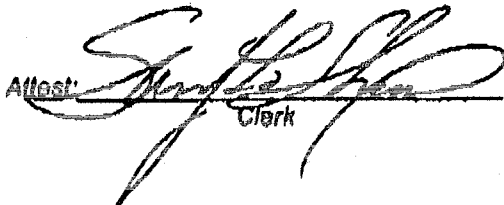
For conviction of a second offense and/or additional offenses, the offender shall be subject to a fine of up to \$500 and/or ordered to perform community service for each offense.

Section 2. This Section 911-29 of the Cincinnati Municipal Code shall continue in force from May 1, 1998 until April 30, 1998.

Section 3. This ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and for that reason shall go into effect forthwith. The reason for the emergency is the need to have legislation in place by May 1, 1998, in order to continue in force without interruption the Parental Responsibility ordinance.

Passed April 29 A.D., 1998


Mayor

Attest: 
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO. 161
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 4-29-98.


Clerk of Council.