

THE VILLAGE OF FLANAGAN

LIVINGSTON COUNTY, ILLINOIS

ORDINANCE

NUMBER __10-10__

AN ORDINANCE RELATING TO TRUANCY & PARENTAL RESPONSIBILITY

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Flanagan

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Bloomington, IL 61701

ORDINANCE NO. __10-10____

AN ORDINANCE RELATING TO TRUANCY & PARENTAL RESPONSIBILITY

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-5-9, provides the corporate authorities of
the Village may adopt ordinances to regulated truants within the Village; and

WHEREAS, the Village of Flanagan has certain police powers to enact regulations for the health
and safety of the residents of the Village; and

WHEREAS, the corporate authorities have determined that truancy is a problem within the
Village and that measures are necessary to address same, including parental responsibility; and

NOW THEREFORE BE IT ORDAINED by the President and the Board of Trustees of the Village
of Flanagan, Livingston County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and
made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Definitions. The following definitions shall apply to this Ordinance:

RELIGION: Includes all aspects of religious observance and practice, as well as belief.

TRUANT: A child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

DELINQUENT ACTS means those acts which violate the laws of the United States, the laws of this state or this ordinances of the county; those acts which cause or would tend to cause the minor to come under the jurisdiction of the Juvenile Court Act as defined by 705 ILCS 405/1-1 et seq.; or those acts by which the minor intentionally causes physical harm to another or deliberately creates an unreasonable risk of physical harm to himself or to others. The term "delinquent acts" does not include civil infraction traffic violations, but does include misdemeanor traffic violations.

DRUGS means any controlled substance as defined now or hereafter by the Public Health Code.

MINOR means any unemancipated person under 18 years of age.

PARENT means as mother, father or legal guardian of a minor who has the responsibility for the health, welfare, care, maintenance and/or supervision of the minor at the time the delinquent act is alleged to have been committed by the minor.

Section 3. Truancy Prohibited / Unlawful. It shall be unlawful for any person to be a truant.

Section 4. Defenses. It is a defense to a violation under Section 3 that the child was absent from school because of:

1. illness;
2. observation of a religious holiday;
3. death in the immediate family;
4. family emergency;
5. and such other situations beyond the control of the student as determined by the board of education in each district or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

Section 5. Penalty. The penalty for truancy shall be as follows:

- a. Fine: Any person convicted of a violation of this Section, shall be fined twenty five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation, and one hundred dollars (\$100.00) for any violation after two (2) violations in one school year.

- b. Community Service: In addition, or in the alternative to any fine issued pursuant to the preceding subsection, any person convicted of a violation of any act declared to be unlawful by this Section, may be sentenced to community service.
- c. Separate Offenses: Each day or portion of each day that a person is truant shall constitute a separate offense.

Section 6. Parental Responsibility. It is determined that it is necessary for the preservation of public peace, health, safety and welfare of the people of Livingston County for parents to exercise reasonable control and supervision over their minor children to prevent their minor children from committing or participating in the commission of certain acts. The following provisions shall therefore apply:

- A. The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.
- B. Parental responsibility to exercise reasonable control includes the following duties, set forth for the purpose of illustration and not limitation;
 - a. To keep 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;
 - b. To keep firearms out of the possession of the minor except those used in accordance with local ordinance and state law, and with the knowledge and supervision of a parent;
 - c. To know the curfew provisions of the State of Illinois and to require the minor to observe those curfew provisions;
 - d. To require the minor to attend regular school sessions and to prevent the minor from being absent from school for more than two days without valid cause;
 - e. To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to the county;
 - f. To arrange for proper supervision for the minor when the parent must be absent.
- C. Whenever a minor is arrested or detained by the police department for the commission of any delinquent act, the parent of the minor shall be notified as soon as reasonably possible by the police of the minor's arrest or detention and the reason therefore, and the parents' responsibility under this section. A record of such notification shall be kept by the police department.
- D. If the minor of a parent residing within the county commits a delinquent act, including, but not limited to the foregoing, the parent shall be guilty of a petty offense if the parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor, and shall be subject to the following penalties:

- a. Fine. Any person convicted of a violation of any act declared to be unlawful by this section shall be fined \$50.00 for the first violation; \$100.00 for the second violation; and \$150.00 for any violation after two (2) violations.
- b. Community Service. In addition or in the alternative to any fine issued pursuant to this section, any person convicted of any act declared to be unlawful by this section may be sentenced to community service not to exceed 120 hours.
- c. Separate Offenses. Each day or portion of each day that a person is truant shall constitute a separate offense.

Section 7. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 8. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Flanagan prior to the effective date of this ordinance.

Section 9. Effectiveness. After its passage, this Ordinance, shall be effective and commence 10 days after this Ordinance is printed in book or pamphlet form and published by the authority of the corporate authorities.

SO ORDAINED this __16th__ day of __November_____, 2010, at Flanagan,
Livingston County, Illinois.

AYES: 5

NAYS: 0

ABSENT: 0

ABSTAIN: 0

VILLAGE OF FLANAGAN

R. Jerome Rocke, Mayor

Attest:

Paul Ingold, Clerk