

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 48

PARENTAL RESPONSIBILITY

An ordinance to provide for parental responsibility of minor children.

THE VILLAGE OF FAIRGROVE ORDAINS:

Section 1. PURPOSE

The ordinance is declare necessary for the preservation of the public peace, health, and welfare of the Village of Fairgrove, 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.

Section 2. DEFINITIONS

As used in this ordinance:

- (a) Delinquent Acts means those acts which violate the laws of the United States, the statutes of the state, or ordinances of the village which would cause or tend to cause the minor to come under the jurisdiction of the juvenile division of the Probate Court as defined by MCLA 712A.2,
- (b) Habitual Offender means one who commits two (2) or more criminal acts or a combination of four (4) or more criminal acts and/or moving traffic violations within a twelve month period,
- (c) Minor means any person under the age of eighteen (18) years residing with a parent,
- (d) Parent means mother, father, legal guardian – and any person having the care or custody of a minor, or any person acting in the parents' stead who have custody or control over the minor.

Section 3. 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) Included (without limitation) in this continuous duty of responsible parental control are the following duties:
 - 1. To know the Curfew Ordinance (No. 1) of the Village of Fairgrove and to require the minor to observe the curfew ordinance;
 - 2. To require the minor to attend regular school sessions and to prohibit the minor or to forbid the minor to be absent from class without parental or school permission;
 - 3. To arrange proper supervision for the minor when the parent is absent;
 - 4. To take the necessary precautions to prevent the minor from maliciously or wilfully destroying real, personal or mixed property which belongs to the Village of Fairgrove or is located in the Village of Fairgrove;
 - 5. To forbid the minor from keeping stolen property, illegal firearms or illegal drugs, or associating with known juvenile delinquents.
- 6. To seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.
- 7. The said minor child or children shall be home or with a parent or legal guardian on the night before Halloween.
- 8. If said minor is not attending school then said minor shall remain at home or where parents have placed said minor in a safe place to stay. Minor shall not walk streets while school is in session. Parents or a Legal guardian shall know where minor is at all times when said minor is not attending school.

Section. 4. NOTIFICATION TO PARENTS; RECORD OF NOTIFICATION

- (a) Whenever a minor is arrested or detained for the commission of any delinquent act within the Village of Fairgrove, the parent shall be immediately notified by the Akron-Fairgrove Police Department, advising the parent of such arrest or detention, the reason therefore, and the parent's responsibility under this ordinance.
- (b) The Akron-Fairgrove Police Department shall keep a record of such notifications.

Section 5. PARENTAL VIOLATION, AND PENALTY

- (a) If a minor commits a delinquent act, the parent shall be guilty of a violation of this article if it is proven that any act, word or non-performance of parental duty by the parent encouraged, contributed toward or tended to cause the commission of the delinquent act by the minor.
- (b) Upon the first conviction of a violation of this ordinance, the parent shall be subject to a fine of not less than seventy-five (\$75.00) dollars nor more than one hundred (\$100.00) dollars.
- (c) Upon the second conviction of a violation of this ordinance, the parent shall be subject to a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars and in addition, shall be sentenced to probation with the condition that the parent participate in, through completion, a court-approved, treatment program (such as parenting skills, family services, employment training, etc.), or in the discretion of the court, be imprisoned for a period of not less than 15 days nor more than 30 days.
- (d) Upon the third or subsequent violation and conviction, the parent shall be subject to a fine of not less than two hundred fifty (\$250.00) dollars nor more than five hundred (\$500.00) dollars, and in the discretion of the court, imprisoned for a period of not less than 15 days nor more than 90 days.

Section 6. SEVERABILITY

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

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing Ordinance adopted March 4, 2002 and published in the *Tuscola County Advertiser* on March 30, 2002 to be effective immediately upon publication.

ADOPTED March 4, 2002

LYNN C CRAMER, PRESIDENT

BEVERLY J PARSELL, CLERK