

CITY OF WAYNE

At a regular meeting of the Wayne City Council on Tuesday, April 4, 1995, it was resolved to approve the second reading and adoption of the following ordinance:

ORDINANCE 1995-07

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF WAYNE

The City of Wayne ordains:

Section 1. That Part Six, General Offenses, be amended by the addition of Chapter 668, PARENTAL RESPONSIBILITY, imposing liability upon those parents or guardians whose children engage in unlawful conduct in part because of inadequate or improper supervision.

668.01 RESPONSIBILITY OF PARENTS.

It shall be unlawful for the parent or legal guardian of any unemancipated minor residing with such parent or legal guardian to fail to exercise proper parental responsibility by allowing or permitting said minor to commit any violation of a City Ordinance or State Statute concerning assault, battery, curfew, disorderly conduct, fireworks, indecent exposure, intimidation, possession of spray paint, obscene conduct, vandalism, trespass, truancy, loitering, possession of alcoholic beverages, any other controlled substance, or narcotic paraphernalia.

668.02 PRESUMPTION.

A parent or legal guardian shall be presumed to have allowed or permitted said minor to have committed a violation of a City Ordinance or State Statute when any of the following conditions has been met:

Said minor has been either adjudicated to be in violation of any ordinance or state statute as described in Section 668.01; or has been charged with the violation of any ordinance or State Statute as described in 668.01 (except if found to be not guilty).

668.03 DEFINITIONS.

The following terms shall have these meanings ascribed to them for the purposes of this Ordinance:

- a. "Legal Guardian" means a person appointed guardian or given custody of a minor by a Court.
- b. "Minor" means any person who has not yet attained the age of eighteen (18) years.

668.04

PENALTIES.

Any person convicted of any violation of the provision of this Section is guilty of a civil infraction and shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) 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 an amount not to exceed actual loss or damage to property or for pecuniary loss. The court shall determine the amount and conditions of payment. Where the conditions of 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.

On a subsequent or second finding of responsibility of a parent or guardian the minimum fine shall be One Hundred Fifty Dollars (\$150.00) to a maximum of Five Hundred Dollars (\$500.00). The court shall order restitution or reparation in an amount not to exceed the actual loss or damage to property or for pecuniary loss.

Section 2. That this Ordinance shall be published as required by law.

Section 3. That this Ordinance shall become effective ten days after enactment and upon publication thereof.

Adopted: April 4, 1995
Published: April 13, 1995
Effective: April 14, 1995

Doris A. Nall
City Clerk