

**ORDINANCE ADDING SECTION 58-11 “PARENTAL RESPONSIBILITY”**  
**TO CHAPTER 58 OF THE MUNICIPAL CODE OF STEGER, ILLINOIS**

**WHEREAS**, violations of State statutes and Village ordinances by juveniles is an increasing problem in the Village of Steger; and,

**WHEREAS**, such conduct causes expense to residents and consumes a considerable amount of time of the Police Department; and,

**WHEREAS**, it is the judgement of the Village Board of Trustees that these juvenile offenses are a public nuisance; and,

**WHEREAS**, it is the judgement of the Village Board of Trustees that in order to abate and deter this public nuisance, parents have to be held accountable and meet their responsibility of exercising parental control over their children or wards.

**WHEREAS**, the President and Board of Trustees of the Village of Steger, Counties of Cook and Will, and State of Illinois declare juvenile offenses, in particular, but not limited to graffiti, damage to property, and curfew violations are a public nuisance which requires abatement and preventative action including holding parents and guardians responsible for their children or wards.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Steger, Counties of Cook and Will, and the State of Illinois as follows:

- Section 1. The Village President and Board of Trustees of the Village of Steger hereby finds that all of the recitals contained in the preamble to this ordinance are true, correct and complete and are hereby incorporated by reference thereto and made a part hereof.
- Section 2. That Subsection 58-11 “Parental Responsibility” in Chapter 58 of the Municipal Code of Steger, Illinois entitled Offenses and Miscellaneous Provisions shall be added as follows:

**58-11 Parental Responsibility**

Definitions

Legal Guardians: A person appointed legal guardian of the person or given custody of a minor by a Circuit Court of this State or any other state.

Minor: A person who is less than eighteen (18) years of age, is unemancipated and resides with his parents or legal guardian.

Parent: The lawful father or mother of a minor child, whether by birth or adoption.

58-11.1 Prohibited conduct by minor

- A. Knowingly or recklessly damage any property of another person without his consent; or
- B. Knowingly and without authority enter into or obtain control over any motor vehicle, trailer, bicycle, aircraft or watercraft, or any part thereof of another person without his consent; or
- C. Knowingly commit any violation of a State statute or Village ordinance concerning vandalism, battery, curfew, disorderly conduct, obscene conduct, trespass, or possession or use of an alcoholic liquor, cannabis, or controlled substance, retail theft, fireworks, or any other offense or willful or malicious acts to persons or property.

58-11.2 Offense of Failure to Exercise Parental Responsibility

- A. Offense: It shall be unlawful for a parent or legal guardian of an unemancipated minor residing with that parent or legal guardian to fail to exercise proper parental responsibility by allowing or permitting the minor to commit any violation of a Village ordinance or State statute concerning that “prohibited conduct” defined in Section 58-11.1.
- B. Presumption: A parent or legal guardian shall be presumed to have allowed or permitted the minor to have committed a violation of a Village ordinance or State statute under all of the following conditions:
  - 1. The minor has been either adjudicated to be in the violation of the offenses identified in this Section, or has incurred non-judicial sanctions from any police officer resulting from an admission of guilt to any such offense: 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 #1

To: (Parents' or Guardians' Names)

From: Village of Steger

You are hereby notified that (minor's name) has been involved with a violation of an ordinance of State statute concerning vandalism, battery, curfew, disorderly conduct, obscene conduct, trespass, or possession or use of alcoholic liquor, cannabis, or controlled substances, retail theft, fireworks, or any other offense of willful or malicious acts to persons or property. If said minor is again found liable of one of the stated ordinances or comparable State statutes you may be found liable of the offense of failure to exercise parental responsibility. Conviction for said offense can result in a fine of not less than \$25.00 nor more than \$750.00. You are hereby notified that you must exercise proper parental responsibility over the said minor by controlling his unlawful conduct.

3. Said minor, within two (2) years of the receipt of such notice by the parent or legal guardian, has been either adjudicated to have committed, has been charged with the violation (except if found not to be liable) of, or has admitted to have committed any violation of any ordinance or State statute as described in this Section.

- C. Notice: It is the policy of the Village that a parent or legal guardian of an minor be notified and required to appear in the Administrative Hearing whenever that minor is charged with a violation of an ordinance or State statute which requires the minor's appearance in the Administrative Hearing.
- D. Penalty: Any parent or guardian found to be in violation of this Section shall be subject to penalty as provided in I Section 58-11.4 of this Code for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

### 58-11.3 Mandatory Appearance for Parents of Charged Minors

Definitions: For the purposes of this Section, the following definitions shall apply:

Legal Guardian: A person appointed legal guardian of the person or given custody of a minor by a Circuit Court of this State or any other state.

Minor: A person, who is less than eighteen (18) years of age, is unemancipated and resides with his parents or legal guardian.

Parent: The lawful father or mother of a minor child, whether by birth or adoption.

A. Mandatory Appearance:

1. Notify Parent: It is the policy of the Village that a parent or guardian of a minor be notified and required to appear before the Administrative Hearing Officer whenever that minor is charged with any misdemeanor, traffic violation requiring appearance at an Administrative Hearing, or petty offenses requiring appearance at an Administrative Hearing as provided in the statutes of the State or the ordinances of the Village.
2. Form of Notice: Consistent with the above policy, notice will be directed to the parent or legal guardian by certified mail, return receipt requested, or by personal service in substantially the following form:

**LEGAL NOTICE #2**

To: (Parents' or Guardians' Name)

From: Village of Steger

You are hereby notified that (minor's name) has been charged with an offense which is a violation of a Village ordinance or State statute and which requires the appearance of said minor before the Administrative Hearing Officer. You are further notified that one of the parents or legal guardian of said minor shall appear before the Administrative Hearing Officer before the case will be tried or be disposed. If you fail to appear, the Administrative Hearing Officer has been directed to have a subpoena issued to bring you into the Administrative Hearing. Failure to obey such a subpoena can result in a finding of liable with the penalty being a fine of not less that \$25.00 nor more than \$750.00.

- B. Subpoenas: The Administrative Hearing Officer is hereby directed to have subpoenas issued whenever a parent or legal guardian of a minor does not appear in an Administrative Hearing after the first two (2) times the case has been before the Administrative Hearing Officer.

58-11.4 Penalty

A person found in violation of the provisions of this Ordinance shall be subject to a fine of not less than twenty-five (\$25.00) nor more than seven hundred fifty dollars (\$750.00).

Section 3. In the event that any provision or provisions, or portion or portions of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

Section 4. That all ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance shall be and the same is hereby repealed.

Section 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

Section 6. That this Ordinance shall be in full force and effect 30 days after its passage, approval and publication as provided by law.

**PASSED** this 17<sup>th</sup> July, 2006.

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Carmen Recupito, Jr., Village Clerk

**APPROVED** this 17<sup>th</sup> day of July, 2006.

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Louis Sherman, Village President

**ROLL CALL VOTE:**

Those Voting For \_\_\_\_\_

Those Voting Against: \_\_\_\_\_

Those Not Voting: \_\_\_\_\_