

CHAPTER 54

PARENTAL RESPONSIBILITY ORDINANCE

54.01 PURPOSE

The purpose of this Ordinance is for the preservation of the public peace, health, safety, and welfare of the people of the City of Lapeer, by establishing minimum standards of duties and responsibilities of parents and guardians for delinquent acts of their minor children.

54.02 DEFINITIONS. As used in this Ordinance:

1. DELINQUENT ACTS:

Means those acts which violate the laws of the United States, or the statutes of this state or the ordinances of the City or those acts which would cause, or tend to cause, a juvenile to come under the jurisdiction of the juvenile division of the Probate Court as defined by MCLA 712A.2, but does not include traffic violations classified as civil infractions.

2. MINOR:

Means any person under the age of eighteen (18) years residing with a parent.

3. PARENT:

Means mother, father, legal guardian or any other person having the care, or custody of a minor, or any person acting in the parent's stead who has the care, custody or control of the minor.

4. ILLEGAL DRUGS:

Means any controlled substance, as defined by the Michigan Public Health Code, obtained without a legal prescription

5. JUVENILE DELINQUENT:

Means those juveniles who engage in any delinquent act, whose behavior interferes with the rights of others, or whose behavior menaces the health or welfare of the community.

54.03 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. Included (without limitation) in this continuous duty of reasonable parental control to prevent the minor from committing any delinquent act are the following parental duties, which require each parent, independently, to take all reasonable steps:
 1. To keep illegal drugs or illegal firearms out of the home.
 2. To keep legal firearms locked in places that are inaccessible to those minors who are not of suitable age, discretion, or maturity to handle firearms.
 3. To know the Curfew Ordinance of the City of Lapeer, and to require the minor to observe the Curfew Ordinance.
 4. To require the minor to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission.
 5. To arrange proper supervision for those minors who are not of suitable age, discretion, or maturity to remain unsupervised, when the parent must be absent.
 6. To take reasonably necessary precautions to prevent the minor from maliciously or willfully destroying real, personal, or mixed property which belongs to the City of Lapeer, or is located in the City of Lapeer.
 7. To take reasonable precautions to prevent the minor from keeping stolen property or illegally possessing firearms or illegal drugs.
 8. To seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

54.04 NOTIFICATION OF PARENTS; RECORD OF NOTIFICATION

1. Whenever a minor is arrested, or detained, for the commission of any delinquent act within the City of Lapeer, the City of Lapeer Police Department shall take reasonable steps to contact the parent(s) of that minor, advising the parent of such arrest or detention, the reason therefore, and the parent's responsibility under this Ordinance.
2. A record of such notification shall be kept by the Lapeer City Police Department.

54.05 PARENTAL VIOLATION AND PENALTY

1. No parent of any minor under the age of eighteen (18) years shall fail to exercise reasonable parental control over such minor.
2. In addition to the provisions of subsection (C) of this section, any parent who has violated any provision of this Ordinance shall be civilly responsible for all the damages and costs caused by commission of any delinquent act by a minor for whom the parent has the care, custody or control, or caused by any other violation of this Ordinance by the parent(s), within the City of Lapeer.
3. A parent violating any provision of this Ordinance shall be guilty of a misdemeanor, punishable as follows:
 1. 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 five hundred (\$500.00) dollars.
 2. 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, community based treatment program (such as parenting skills, family services, employment and training, etc.) or, at the discretion of the Court, be imprisoned for a period up to 30 days.
 3. Upon the third or subsequent conviction of a violation of this Ordinance, 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/or, in the discretion of the Court, imprisoned for a period up to 90 days.

54.06 SEVERABILITY.

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