

ORDINANCE NO. 434

AN ORDINANCE RELATING TO PARENTAL RESPONSIBILITY FOR PARENTS, LEGAL GUARDIANS AND PERSONS WITH THE LEGAL RESPONSIBILITY FOR THE SAFETY AND WEFARE OF A CHILD UNDER 18 YEARS OF AGE, CREATING OFFENSES, PROVIDING A REMEDY FOR VICTIMS, AND STATING AN EFFECTIVE DATE.

WHEREAS, the residents of the city of Aumsville are concerned with the proliferation of illegal activity by minors in violation of the municipal code and state law; and

WHEREAS, parents and other responsible persons of minors should strive to exercise the supervision and care that will avoid the occurrence of unlawful juvenile incidents and further to enhance the protection of juveniles by the adults responsible for their actions.

The city of Aumsville ordains as follows:

Section 1. Definitions. For the purposes of this ordinance, the following terms shall have the meanings hereafter stated. When not inconsistent with the content, the singular shall include the plural, plural shall include singular, masculine shall include feminine, and present tense shall include future tense. The word "shall" is mandatory and not merely directory.

Minor. Any person under the age of 18 who has not been recognized as an adult according to ORS 419B.550 to 419B.558.

Parent. The natural or adoptive mother or father, legal guardian or other adult person having the legal responsibility for the safety and welfare of a minor who has not been emancipated pursuant to ORS 419B.550 to 419B.558.

Section 2. Offenses. A parent commits the offense of FAILING TO SUPERVISE A MINOR if the minor has been found on private property, public property or premises open to the public and is cited for any violation of any provision of city ordinance or state law and sufficient facts exist to find that the minor committed the violation or offense.

Section 3. Court. It shall be a defense to the failing to supervise a minor offense if the minor's citation for violation of any provision of city ordinance or state law occurred in the presence of the parent cited. It shall be a defense to the failing to supervise a minor offense if the citation was issued pursuant to an occurrence on private property of the parent cited. It shall be a further affirmative defense that the parent:

- (A) Took reasonable steps to control the conduct of the minor at the time the parent is alleged to have failed to supervise; or
- (B) Reported the act to the appropriate authorities.

Section 4. Remedy for Victims. In addition to any fine or penalty imposed pursuant to this ordinance, the court may order the parent to pay any restitution to a victim of the minor's conduct. The amount of restitution ordered pursuant to this ordinance shall not exceed that allowed by state law. The municipal court shall credit the parent ordered to pay restitution the actual dollars paid by the minor pursuant to any juvenile court order or juvenile code agreement. [Section 4 amended by Ord. No. 463 passed November 8, 1999]

Section 5. Penalty. The offense described in this ordinance of failing to supervise a minor is a violation punishable by a maximum fine of \$1,000.00. [Section 5 amended by Ord. No. 463 passed November 8, 1999]

Section 6. Parent Effectiveness Program. The court may suspend all or a portion of the fine set forth in Section 5 above if the parent successfully participates and completes a parent effectiveness program to the satisfaction of the court.

Section 7. Jurisdiction. Nothing in this ordinance shall be construed to confine jurisdiction of the Aumsville Municipal Court over a minor in violation of state law.

Section 8. Effective Date. This ordinance shall take effect on the 30th day after its enactment.

PASSED by the council September 9, 1996 and signed by the mayor September 16, 1996.