

ORDINANCE NO. 2006 - 1

Short Title: VILLAGE OF FARWELL – PARENTAL RESPONSIBILITY

ARTICLE I. Delinquent Acts, Parental Responsibility.

1. **Definitions.**

As used in this article:

(a) Delinquent acts means those acts which violate the laws of the United States, the laws of the State of Michigan, or the ordinances of the Village of Farwell. In addition, those acts which cause or tend to cause the minor to come under the jurisdiction of the juvenile division of the Probate Code as defined by MCL 712(A)(1) or those acts by which the minor intentionally causes physical harm to another or deliberately creates a reasonable risk of physical harm to himself, herself, or to others. Delinquent acts, as used in this article, include traffic violations.

(b) Drugs means any controlled substance as defined now or hereafter by the Public health Code for the State of Michigan. Currently, such substances are defined in part 72 of the Health Code, being sections 333.7201 et seq., of the Michigan Compiled Laws.

(c) Minor means any unemancipated person under seventeen (17) years of age.

(d) Parent means a mother, father or legal guardian of a minor who has the responsibility for the health, welfare, care, maintenance and supervision of a minor at the time a delinquent act is alleged to have been committed by the minor.

2. **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 parental control, are the following parental duties:

1. To keep illegal drugs or illegal firearms out of the home and legal firearms locked in places that are inaccessible to the minor, except those used for hunting in accordance with local ordinances, state law and with the knowledge and supervision of a parent.

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2. To know the curfew ordinance of the village and/or state, and to require the minor to observe the curfew ordinance.
3. To require the minor to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission.
4. To properly supervise the minor, and to arrange proper supervision for the minor when the parent must be absent.
5. To take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal or mixed property which belongs to the village or is located in the village.
6. To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents and to seek help from appropriate governmental authorities and private agencies in handling or controlling the minor, when necessary.
7. To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, and from intentionally and recklessly taking any action which would directly or indirectly cause injury to others.

3. **Notification of parents, penalty for failing to properly act upon notification.**

Any parent of a minor child who is notified that his or her minor child has been taken into custody for a violation of the Village of Farwell Code or state law, and who thereafter fails or refuses to collect said minor child from the authorities or make provisions therefor within a period of three (3) hours after notification, shall be guilty of a misdemeanor. Upon conviction for violation of this section, a parent shall be subject to a fine in the amount of the actual costs of the police department in arresting and detaining the minor child.

4. **Parental violation and penalty.**

(a) If a minor commits a delinquent act, the parent shall be guilty of a misdemeanor if it is proven that any act, word or non-performance of the parental duty by the parent encouraged, contributed toward, caused or tended to cause the commission of a delinquent act by the minor.

(b) Upon first conviction of violation of this article, the parents shall be subject to a fine of not less than seventy-five dollars (\$75.00) and not more than one hundred dollars (\$100.00), and/or sixteen (16) hours of community service.

(c) Upon the second conviction of a violation of this article, the parent shall be subject to a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and up to twenty-four (24) hours community service, and in addition, that parent shall be sentenced to probation with the condition that that parent participate in, through completion, a court-approved community based treatment program (such as parenting skills, family services, employment and training, etc.) or in the discretion of the court, be imprisoned for a period of not less than fourteen (14) days nor more than thirty (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 dollars (\$250.00) nor more than five hundred dollars (\$500.00) and community service in an amount of not less than thirty-two (32) hours or more than sixty-four (64) hours, and in the discretion of the court, imprisonment for a period of not less than fifteen (15) days nor more than ninety (90) days.

Adopted by the Council of the Village of Farwell this 7 day of August, 2006.

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SHARON CRABTREE, Clerk