

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced

November 23, 2009, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SECTION 130.52, "PARENTAL RESPONSIBILITY", AND SECTION 130.54, "VIOLATION AND PENALTY", OF SECTIONS 130.50, ET SEQ., "CURFEW FOR MINORS", OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY", OF TITLE XIII, "GENERAL OFFENSES", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Section 130.52 "Parental Responsibility" of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.52. PARENTAL RESPONSIBILITY.

(A) The parent of any minor has a continuing responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

(B) The parental responsibility to exercise reasonable control includes the following duties, set forth for the purpose of illustration and not limitation:

1. To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;
2. To keep illegal firearms out of the home, and keep legal firearms out of the possession of the minor except when being used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent;

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3. To know the Curfew Ordinance of the City of Saginaw (this subchapter) and to require the minor to observe the Curfew Ordinance;
4. To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission.
5. To arrange for proper supervision for the minor when the parent must be absent;
6. To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to the City;
7. 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 or private agencies in handling or controlling the minor, when necessary.

Section 2. Section 130.54 "Violation and Penalty" of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.54. VIOLATION AND PENALTY.

- (A) No person shall assist, aid or abet any minor in violating this ordinance.
- (B) A parent of a minor is rebuttably presumed to have assisted, aided or abetted a minor who is determined to have committed a delinquent act under this ordinance.

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(C) A parent of a minor shall be held civilly responsible in an amount up to ten thousand (\$10,000.00) dollars for the damages caused by the commission of any delinquent act by a minor.

(D) A person in violation of this subchapter shall be guilty of a misdemeanor and:

- (1) Upon the first conviction of a violation of this ordinance, shall be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars, or thirty (30) days in jail, or both fine and jail in the discretion of the court.
- (2) Upon the second conviction of a violation of this ordinance, shall be sentenced to probation with the condition that the person participate in and complete a court-approved, community-based treatment program (such as parenting skills, family services, employment and training, etc.) and be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars, or sixty (60) days in jail, or both fine and jail in the discretion of the court.
- (3) Upon the third or subsequent conviction of a violation of this ordinance, shall be subject to a fine not to exceed five hundred (\$500.00) dollars, or ninety (90) days in jail, or both fine and jail in the discretion of the court.

Section 3. This ordinance shall become effective December 17, 2009.

Enacted: December 7, 2009.