

ORDINANCE NO. 4630

**AN ORDINANCE relating to parental responsibility, creating offenses, providing a remedy for victims, and stating an effective date.**

RECITALS:

The residents of the City of McMinnville are concerned with the proliferation of illegal activity by minors in violation of the laws of the State of Oregon and the municipal code.

Parents of minors should strive to exercise the supervision and care that will avoid the occurrence of juvenile incidents and to enhance the protection of juveniles by the adults responsible for their actions.

NOW, THEREFORE THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. A person commits the offense of failing to supervise a child if the person is a custodial parent, or the parent having physical custody at the time the child commits the act, lawful guardian, or other person lawfully charged by a court of competent jurisdiction with the care or custody of a child under 18 years of age, and the child:

a) Commits an act that could subject the child to the jurisdiction of the juvenile court under ORS. 419C.005 or violates any McMinnville Municipal Code; or

b) Fails to attend school as required under ORS. 339.010, which, in turn, refers to ORS. 339.030 which notes the following exceptions:

(1) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools.

(2) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools.

(3) Children being taught for a period equivalent to that required of children attending public schools by a parent or private teacher in the courses of study usually taught in grades 1 through 12 in the public school.

(4) Children excluded from attendance as provided by law.

(5) A child excluded by rule of the State Board of Education from compulsory education when said child is 16 or 17 years of age and who is lawfully employed full time, lawfully employed part-time and enrolled in school, or enrolled in a community college or other state-registered alternative education program. Such exemption also may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558.

Section 2. Nothing in this section applies to a child-caring agency as defined in ORS. 418.205 or to foster parents.

Section 3. A person shall not be in violation of Section 1 of this ordinance if the person:

- a) Is the victim of the act that brings the child within the jurisdiction of the juvenile or municipal court; or
- b) Reported the act to the appropriate authorities; or
- c) Took reasonable steps to control the conduct of the child that is complained of in Section 1(a) and (b) above.

Section 4. In a prosecution of a person for failing to supervise a child under subsection (1)(a) of this ordinance, the court may order the person to pay restitution under ORS. 137.103 to 137.109 to a victim for pecuniary damages arising from an act of the child as set forth above in Section 1(a) that could bring the person within the jurisdiction of the Court. The amount of restitution ordered under this section may not exceed \$2,500.

Section 5. The first time a person is convicted of an offense described in Section 1 of this ordinance, the person shall not be required to pay a fine exceeding \$100.00 if the person successfully participates and completes a parent effectiveness program as designated by the court.

Section 6. The offense described in this ordinance of Failure to Supervise a Minor is a Class A infraction punishable by a maximum fine of \$1,000.

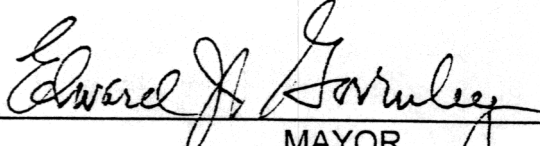
Section 7. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823 entitled, "Initiative and Referendum" for a period of 30 days.

Passed by the Council this 10<sup>th</sup> day of September 1996 by the following votes:

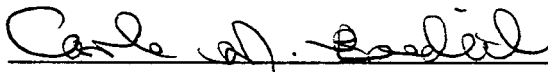
Ayes: Hughes, Kirchner, Masev. Payne, Windle

Nays: \_\_\_\_\_

Approved this 10<sup>th</sup> day of September 1996.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
RECORDER