

## Chapter 20 POLICE REGULATIONS

### 12.01.00 PARENTAL RESPONSIBILITY

#### 20.01.01 Definitions

For purposes of this section, the following definitions apply:

A) ***Delinquent*** acts mean those acts which violate the laws of the United States, the laws of the state, or city ordinances; those acts which cause or would tend to cause the minor to come under the jurisdiction of the Juvenile Division of the Probate Court as defined by MCL 712A.2; or those acts by which the minor intentionally causes physical harm to another or deliberately creates an unreasonable risk of physical harm to himself or herself or others. “Delinquent acts” do not include traffic violations which are designated as civil infractions.

B) ***Drugs*** mean any controlled substance as defined by the Public Health Code for state.

C) ***Minor*** means any unemancipated person under 18 years of age.

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

#### 20.01.02 Parental duty to supervise and control

The parent or guardian of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from injury or committing or participating in the commission of any delinquent act. The parental responsibility to exercise reasonable control includes the following duties, set forth for the purposes of illustration and not limitation:

A) 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;

B) To keep firearms out of the possession of the minor except those used for hunting in accordance with state law and with the knowledge and supervision of a parent;

C) To know the curfew ordinance of the City and to require the minor to observe the curfew ordinance:

- D) To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission;
- E) To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others;
- F) To prevent the minor from engaging in theft of property or keeping in his or her possession property known to be stolen.
- G) To keep the minor safely secured in any passenger vehicle while on any street, highway, or area open to the general public in the City of Sandusky.

### **20.01.03 Notification**

Whenever a minor is arrested or detained by the police department for the commission of any delinquent act, the parent of the minor shall be notified as soon as reasonably possible by the police of the minor's arrest or detention and the reason therefore, and of the parent's responsibility under this section. A record of such notification shall be kept by the police department.

### **20.01.04 Parental acts or failure to act**

#### **A) Conditions for parental responsibility**

If the minor of a parent commits a delinquent act, the parent shall be responsible for a violation of this section if:

- i) Any act, word or no exercise of parental responsibility by the parent encouraged, caused or allowed to occur the commission of the delinquent act by the minor, or
- ii) The parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor.

#### **B) Presumption of responsibility**

If, at any time within 45 days following the giving of notice as provided in subsection (3) above (20.1300), the minor to whom such notice related or applied commits a delinquent act as defined in this section, it shall be rebuttably presumed that the minor committed the delinquent act with the knowledge of the parent.

### **20.01.05 Penalty; Municipal Infraction**

Any person violating any provision of this ordinance shall be responsible for a Grade B municipal civil infraction as defined by the Home Rule Cities Act, the Revised Judicature Act and the City's Civil Infraction provision in the Code of

Ordinances, and upon a finding a responsible thereof, shall be punished by a civil fine as set by the Code and the costs of prosecution.