

ORDINANCE NO. 32

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MAYWOOD VILLAGE CODE REGARDING CURFEW AND COMMUNITY SERVICE AND CREATING A NEW SECTION 130.27 REGARDING TRUANCY

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Maywood, Cook County, Illinois, as follows:

SECTION 1: That Section 39.05 (Administrative Composition), subsection (A)(10) of the Maywood Village Code is amended by adding a new sentence to the end thereof, to read in its entirety as follows:

“Where requested by the Village, the Administrative Hearing Officer is authorized to impose a term of community service in lieu of a fine. Such community service may be performed through a program administered by the Village, if available, or at a not-for-profit organization within the Village of Maywood. Where a defendant fails to perform community service as ordered by the Administrative Hearing Officer, the term of community service may be converted to a fine.”

SECTION 2: That Section 39.37 (Hearing; Determination of Liability or No Liability; Petition), subsection (A) of the Maywood Village Code is amended by adding a new sentence to the end thereof, to read in its entirety as follows:

“Where requested by the Village, the Administrative Hearing Officer is authorized to impose a term of community service in lieu of a fine. Such community service may be performed through a program administered by the Village, if available, or at a not-for-profit organization within the Village of Maywood. Where a defendant fails to perform community service as ordered by the Administrative Hearing Officer, the term of community service may be converted to a fine.”

SECTION 3: That Section 130.22 (Curfew), subsection (A) of the Maywood Village Code is amended to read in its entirety as follows:

“(A) It shall be unlawful and a curfew violation for a person under the age of 18 years (hereinafter, “child”) to be present at any public assembly or in or upon any public building, park, sidewalk, street, highway, alley or other lands used for public purposes, or in any public place of business or amusement in the Village of Maywood:

1. Between the hours of 11:00 p.m. Friday to 6:00 a.m. Saturday, and 11:00 p.m. Saturday to 6:00 a.m. Sunday; and

2. Between the hours of 10:00 p.m. on Sunday through Thursday, and 6:00 a.m. on the following day.”

SECTION 4: That Section 130.22 (Curfew) is further amended by adding a new subsection (F), to read in its entirety as follows:

“(F) Violations of curfew, as set forth in subsection (A), or parental responsibility, as set forth in subsection (C), are punishable by a fine of between \$100 and \$750 for a first offense, and between \$200 and \$1,000 for second or subsequent offenses. In lieu of the fines set forth herein, a judge or hearing officer adjudicating the matter may impose a term of community service to be performed either through a program administered by the Village, if available, or at a not-for-profit organization within the Village of Maywood. Where a defendant fails to perform community service as ordered, the term of community service may be increased or converted to a fine.”

SECTION 5: That a new Section 130.27 be added to the Maywood Village Code, to read in its entirety as follows:

“§ 130.27 TRUANCY.

(A) Definitions. For purposes of this Section, the following definitions shall apply:

(1) Legal Guardian: Legal guardian shall include any foster parent, or any person appointed guardian, or otherwise awarded custody of a minor by a court of law in this State, or any person appointed guardian or given custody of a minor under the Juvenile Court Act (705 ILCS 405/1-1 et seq.), but shall not include any person appointed guardian only to the estate of a minor.

- (2) Parent: Parent shall mean the father or mother of a minor child, whether by birth or adoption. In the event that the minor's parents are divorced or separated within the meaning of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 et seq.), the parent having lawful physical custody of the minor shall be deemed to be the parent authorized to give consent as required by this Section.
 - (3) Valid Cause: Valid cause for absence of attendance at school during enrollment hours includes illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the Board of Education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.
- (B) Truancy Prohibited. It shall be unlawful for any person under the age of eighteen (18) years of age enrolled in a public, private or parochial school within the corporate limits of the Village, to absent himself or herself from attendance at school during the hours in which he or she is enrolled without valid cause or the permission of a parent, legal guardian, or the school in which they are enrolled. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and shall be subject to the penalties set forth in this Section.
- (C) Defenses. In addition to being absent for valid cause as defined herein, a minor shall not be considered truant where he or she is:
- (1) accompanied by a parent, legal guardian, or school official;
 - (2) engaged in approved school related activities;
 - (3) engaged in lawful employment, provided that the school board of the public school district in which the child resides has recommended the employment and has certified the facts concerning such employment;
 - (4) physically or mentally unable to attend school due to a disability and such disability has been certified in accordance with Section 26-1(2) of the Illinois School Code (105 ILCS 5/26-1(2)); or
 - (5) subject to any other defense and/or exception set forth in the Illinois School Code (105 ILCS 5/1-1 et seq.) for compulsory attendance or enrollment in school.
- (D) Authority to Stop and Detain. Any police officer who witnesses a person whom the officer reasonably believes to be in violation of this

Section may stop and detain the person for the purpose of verifying the person's identify, age, school enrollment and authority to be absent from school. The police officer shall immediately inform the person of the reason for the detention and that he or she will be released upon verification of authorization to be absent from school other than to transport the student to school or to his/her parent or legal guardian, the person shall not be removed from the scene of the investigatory stop unless he or she refuses to provide the officer with the necessary information. If the officer determines that the person is in violation of this Section, he shall, if practical, transport the offender to school authorities or to the child's parent or legal guardian.

- (E) Parental Responsibility. It shall be unlawful for any parent, legal guardian or other person to permit a person in his or her custody or control to commit the offense of truancy.
- (F) Contributing to the Delinquency. It shall be unlawful for any person eighteen (18) years of age or older to perform any act of commission or omission which act encourages or contributes to the truancy of any person.
- (G) Penalties. Violations of subsections (B), (E) or (F) of this Section are punishable by a fine of between \$100 and \$750 for a first offense, and between \$200 and \$1,000 for second or subsequent offenses. In lieu of the fines set forth herein, a judge or hearing officer adjudicating the matter may impose a term of community service to be performed either through a program administered by the Village, if available, or at a not-for-profit organization within the Village of Maywood. Where a defendant fails to perform community service as ordered, the term of community service may be increased or be converted to a fine. In addition to or in lieu of the penalties set forth hereinabove, the parent of a truant in violation of subsection (E) may be required to participate in a 'parenting' program, a list of which available programs will be maintained by the Village."

SECTION 6: That all ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 7: That each section, paragraph, clause and provision of this Ordinance is severable and if any provision is held unconstitutional or invalid for any

reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 8: That except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 9: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication as required by law.

ADOPTED this 19th day of September, 2006, pursuant to a roll call vote as follows:

AYES: Mayor Yarbrough Sr., Trustee(s) G. Woll, A. Jaycox, E. Perkins, P. Alexander and R. Lopez.

NAYS: None.

ABSENT: Trustee W. Sharp.

APPROVED by me this 19th day of September, 2006 and attested by the Village Clerk that same day.