

Ordinance #142  
City of Ovid  
Clinton County, Michigan

**ARTICLE X. PARENTAL  
RESPONSIBILITY**

**Sec. 20-300. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Criminal acts* shall mean those acts which violate state laws, this Code or other ordinances of the city and shall include traffic violations.

*Habitual offender* shall mean one who commits two (2) or more criminal acts, or three (3) or more traffic violations within a twelve-month period.

*Minor* shall mean any person under the age of seventeen (17) years residing at the home of the parent, guardian or other person as defined in this article or as interpreted by state law.

*Parent* shall mean the mother, father, legal guardian or any other person having the care, custody and control of any minor or such other adult with whom a minor may be found to reside with.

*Parental neglect* shall mean failure to supervise to a degree of parental control which would result in the minor committing any criminal act as defined herein or to permit a minor to become delinquent as defined in the state probate code pertaining to juveniles.

**Sec. 20-301. Legislative findings.**

The city council finds that offenses against the laws of the United States, the state and the ordinances of the city by persons under the age of seventeen (17) years are increasing at an alarming rate; that in a great many of the cases a lack of proper supervision and control of the minor child by his parents or guardian is evident; that the increasing problem of criminal offenses by children will not be solved by sanctions imposed upon the children alone but that it is necessary that sanctions be imposed upon parents whose neglect of their duty to properly supervise and control their children is a proximate cause of the delinquency of those children.

**Sec. 20-302. Parents contributing to child becoming neglected or delinquent.**

Any parent, legal guardian or other person having the care or custody of a child under the age of seventeen (17) years who shall by any act, or by word, or by failure to act, or by lack of supervision and control over the child, encourage, contribute toward, cause or tend to cause the child to become neglected or delinquent so as to come or tend to come under the jurisdiction of the Juvenile Division of the Probate Court as defined in Section 2, of Chapter 12a of Act No. 288 of the Public Acts of 1939, as added by Act No. 54 of the Public Acts of the first session of 1944, any amendments thereto, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be responsible or guilty of an offense.

**Sec. 20-303. Malicious Mischief Generally.**

- (a) It shall be unlawful for any person to willfully destroy, remove, damage, alter or in any manner deface any property not his or her own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the city or located in the public places of the city, or mark or post hand bills on, or in any manner mar the walls of, any public building, or fence, tree, or pole within the city, or destroy, take, or meddle with any property belonging to the city, or remove the same from the building or place where it may be kept, placed, or stored, without proper authority; or disturb, tamper with, disconnect or damage any city water meter without proper authority.

State law reference(s)-Malicious mischief, MCL 750.377 et seq.

**Sec. 20-304. Aiding and abetting minor to violate the law generally.**

- a) Any person of the age of seventeen (17) years or over, assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of seventeen (17) years to violate the provisions of the state law, including the Probate Code, this Code or other ordinances of the city, regarding minors, being their first offense, shall be responsible of a civil infraction. Any subsequent offense committed by the person shall be guilty of a misdemeanor.

**Sec. 20-305. Aiding and abetting minor to violate specific state laws.**

- a) Any parent, legal guardian or other person having the care or custody of any child under the age of

seventeen (17) years who shall assist, aid, abet, allow, permit or encourage the minor to violate the provisions of Sections 1 and 2 of Act No. 41 of the Public Acts of 1960, as amended, either by overt act, by failing to act or by lack of supervision and control over the minor, is guilty of a misdemeanor. The fact that a child under the age of seventeen (17) years is apprehended while on the public streets, highways, alleys or parts thereof during the hours defined in said Act No. 41, shall be prima facie evidence of a violation of this section on the part of the parents, legal guardian or other person having the care or custody of the minor child.

- b) Any person who shall by any act, omission, or by any word, procure, counsel, aid, abet, encourage, contribute toward, cause or tend to cause any minor to become delinquent so as to come under or tend to come under the jurisdiction of the juvenile division of the probate court, as defined in MCI 712A.2, whether or not such child shall in fact be adjudicated a ward of the probate court, is guilty of a misdemeanor.

**Sec. 20-305. Notification of responsibility.**

- (a) Whenever a minor shall be arrested for the commission of any criminal act within the city or becomes delinquent as defined in the Michigan Probate Code, the parent of such a minor shall be immediately notified by the police department advising the parent of such arrest, the reason therefor and his responsibility under this article.
- (b) A record of such notification shall be kept by the city police department.

**Sec. 20-306. Penalty.**

- (a) The first violation of Sec.20-304 of this Chapter shall be a civil infraction, the Court shall impose a fine of fifty dollars (\$50.00) as provided for in [Section 7.04](#) of this Code and any other costs or fees permitted or required by law, unless the person is specifically charged under Sec.20-305 of this Chapter as a misdemeanor. If said person is charged under Sec.20-305 of this Chapter, the penalty shall be as described in Sec.20-306(b).
- (b) Upon the second or subsequent violation of any provision of this Chapter shall be a misdemeanor, the Court shall assess fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) in addition to any costs or fees permitted or required by law. In addition to such fines and costs, the Court may impose a jail sentence of up to ninety (90) days. In addition to such fine the Court shall, unless it makes a specific finding that probation is inappropriate, exercise its authority to sentence the Defendant to a term of probation with such conditions as the Court deems appropriate. Such conditions may include participation in, and completion of, programs or therapies deemed appropriate by the Court in light of the facts of the particular case community service and/or work crew. Restitution shall also be required to make whole any victim or third party who has suffered financial loss in connection with the charged violation. Should the Court choose not to sentence the Defendant to a term of probation or should the Court suspend all or any portion of a fine, costs or restitution assessed against the Defendant, the Court shall so state on the record and shall state the reason or reasons for its action. In addition to the penalties provided for in this subsection, the Court may also impose any penalties otherwise provided for by law.

**Sec. 20-307. - 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) No parent of any minor shall fail to exercise reasonable parental control over such minor. The exercise of reasonable parental control shall include, but is not limited to, the following:
  - (1) Keeping 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) Keeping firearms out of the possession of the minor except those used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent.
  - (3) Requiring the minor to observe the curfew ordinance of the City of Ovid.

- (4) Requiring the minor to attend regular school sessions and forbidding the minor to be absent from class without parental or school permission.
- (5) Arranging proper supervision for the minor when the parent must be absent.
- (6) Preventing the minor from maliciously or willfully destroying any property which belongs to any other person.
- (7) Forbidding the minor from keeping stolen property or alcoholic beverages.
- (8) Seeking help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.
- (9) Assisting and cooperating with governmental authorities in their efforts to handle or control the minor, including production of the minor for juvenile court appointments and hearings.

At the regular meeting of the City of Ovid Council held on December 11, 2023 at 7:00 PM, Council Member L. Perrien made the motion to adopt and enact Ordinance #142 Parental Responsibility.

Council Member M. Olger seconded the motion.

Upon Roll Call Vote the Following voted AYE: L. Ordiway, L. Perrien, M. Olger, W. Lasher, E. Brown, M. Perrien, E. Starn

Upon Roll Call Vote the Following voted NAY: None

Adopted on this 11<sup>th</sup> day of December 2023.

X  
William Lasher  
Mayor, City of Ovid

X  
Susan Tomasek Swan  
Clerk, City of Ovid