

ORDINANCE 2019-12

**AN ORDINANCE AMENDING CHAPTER 50, OFFENSES AGAINST MORALS, BY
ADDITION OF SECTION 50-134, "TRUANCY," TO THE MUNICIPAL CODE OF
SANDWICH, ILLINOIS**

WHEREAS, Section 11-5-9 of the Illinois Municipal Code (65 ILCS 5/11-5-9) authorizes the corporate authorities of a municipality to adopt an ordinance regulating truancy within its jurisdiction provided they are not inconsistent with provisions of that section; and

WHEREAS, the City of Sandwich finds that it is necessary and desirable to regulate truancy in order to serve the public purposes of education and the eradication of criminal activity.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Sandwich, Illinois, as follows:

Section 1: That Chapter 50, Offenses and Miscellaneous Provisions, Article V, Offenses Against Morals, be amended by adding Section 50-134, Truancy to read as follows:

Sec. 50-134. Truancy.

(a) *Definitions.* For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning:

(1) *Legal Guardian.* Means any foster parent, or any other person appointed guardian, or otherwise awarded custody of a minor by a court of law, or any person appointed guardian or given custody of a minor under the Illinois Juvenal Court Act, but shall not include any person appointed guardian to the estate of a minor, only.

(2) *Parent.* Means the father or mother of a child, whether it by birth or adoption. The word *parent* as used in this section shall also mean legal guardian. If the minor's parents are divorced or separated within the meaning of the Illinois Marriage and Dissolution of Marriage Act, the parent having lawful physical custody of the minor shall be deemed to be the parent authorized to give consent required by this section.

(3) *Permission.* Means oral or written permission with valid cause for absence by a parent or legal guardian which is conveyed to the minor's school prior to the beginning of the school day in which the minor will be absent or partially absent.

(4) *Truant.* Means a minor subject to compulsory school attendance and who is absent without valid cause from attendance for a school day or portion thereof.

(5) *Valid Cause for Absence.* Means those defenses and exceptions as set forth in the Illinois School Code for compulsory attendance or enrollment in school.

(b) *Truancy Prohibited.* It shall be unlawful for any person enrolled in grades K-12 who:

- (1) is required by law to attend school;
- (2) who is subject to the compulsory attendance requirements of the Illinois School Code; or
- (3) who is enrolled in a public, private, or parochial school within the City of Sandwich to abstain from attendance at his/her school without the permission of a parent, legal guardian, or the school for a valid cause for absence.

Any person who shall so absent himself or herself shall be guilty or liable of the offense of truancy and be subject to the penalties set forth in this section.

(c) It shall be unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her control or custody to violate subsection (b) of this section.

(d) *Penalty.* Any person violating any provision of this section shall be fined not less than \$50.00 for a first offense, not less than \$100.00 for a second offense, not more than \$250.00 for a third offense, or not more than \$750.00 for each offense thereafter. In addition to or in leu of the monetary penalties set forth herein, any person violating this section may be sentenced to do not less than 10 community service hours for a first offense, not less than 25 community service hours for a second offense, or more than 50 community service hours for each offense thereafter.

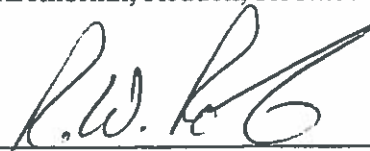
Section 2: Each section, paragraph, sentence, clause, and provision of this ordinance is separate and if any portion is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof, other than the part effected by such decision.

Section 3: That except as to the amendments heretofore mentioned all chapters and sections of the Municipal Code of Sandwich, Illinois shall remain in full force and effect.

Section 4: That this Ordinance shall, by authority of the City Council of the City of Sandwich, Illinois, be published in pamphlet form. From and after 10 days after said publication, this ordinance shall be in full force and effect.

PASSED BY THIS CITY COUNCIL of the City of Sandwich, Illinois, at a regular meeting thereof held on the 28th day of October, 2019 and approved by me as Mayor on the same day.

A YE: Aldermen Chmielewski, Dell, Kelleher, Killey, Kreinbrink, Redden, Robinson & Surratt
NAY: None
ABSENT: None



Richard W. Robinson, Mayor

ATTEST:



Denise Ii, City Clerk

