

**VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS**

**ORDINANCE NO. #1343**

**AN ORDINANCE REPLACING 6-1-28 AND 6-1-29, AND ADDING 6-1-30 OF THE VILLAGE OF BEECHER MUNICIPAL CODE, AND REPEALING ALL VILLAGE CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH.**

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised by the Village Administrator and Chief of Police that revisions to the Village Code regarding truancy and parental responsibilities is required; and

**WHEREAS**, the Corporate Authorities of this Village of Beecher, Will County, Illinois, have reviewed the current Village Code provisions as it relates to truancy and parental responsibilities; and

**WHEREAS**, the Corporate Authorities of this Village of Beecher, Will County, Illinois, have reviewed the current Village Code Chapter that relates to relates to truancy and parental responsibilities and the proposed text amendments and replacement provisions; and

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, having reviewed the recommendations of its Village Administrator and Chief of Police, now concur that is advisable, necessary, and in the best interests of the residents of the Village of Beecher to amend, replace, and add Village Code sections regarding truancy and parental responsibilities and related.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The statements set forth in the preamble to this Ordinance are found to be true and correct and are incorporated into this Ordinance as if set forth in full.

**SECTION 2:** That Section 28, entitled “**TRUANCY PROHIBITED**”, of Chapter 1, entitled “**MISDEMEANORS**”, of Title 6, entitled “**POLICE**”, of the Village Code of the Village of Beecher, be, and the same is hereby replaced in its entirety to read and provide as follows, namely:

**“6-1-28: TRUANCY PROHIBITED:**

The following provisions of Section 1 of Article 26 of the school code regarding pupils compulsory attendance statute (105 ILCS 5/26-1), as amended, are hereby adopted by reference as if set out at length and a school hour curfew is hereby established herein.

(A) It shall be unlawful for any person under the age of eighteen (18) years who is subject to compulsory school attendance or who is enrolled in any public, private or parochial school to be

absent from attendance at school in person or remote learning during any hours when school is in session during the regular school term unless he or she is:

1. Traveling to or from school by the most direct route; or
2. Accompanied by a parent, legal guardian or school official; or
3. Engaged in school related activities with written approval of school authorities; or
4. Engaged in personal business, including, but not limited to, employment, medical care, and religious activities, with prior notice from a parent or legal guardian to school authorities. The notice shall be an oral or written cause for absence, which is provided to the minor's school, at the beginning of the school day, explaining the valid cause for the absence.

(B) A police officer may stop and detain a person whom the officer reasonably suspects to be violating this section for the purpose of verifying the person's identity, age, school enrollment and authority to be absent from school. The police officer shall immediately inform the person of the reason of the detention and they will be released upon verification of the authorization to be absent from school. The person shall not be removed from the scene of the investigatory detention unless he or she refuses to provide the officer with the necessary information.

(C) A person violating this section shall be issued a notice to appear in the municipal court and, if practical, shall be taken to school authorities or a parent or legal guardian.

(D) It shall be unlawful for a parent, legal guardian or other person having custody or control of any person subject to this section to knowingly permit such person to violate this section.

(E) Persons suspended or expelled from any public, private or parochial school, who are in violation of this section, shall be deemed truant and this section shall apply to them and shall be in full force.”

**SECTION 4:** That Section 29, entitled “PENALTIES”, of Chapter 1, entitled “MISDEMEANORS”, of Title 6, entitled “POLICE”, of the Village Code of the Village of Beecher, be, and the same is hereby replaced in its entirety to read and provide as follows, namely:

**“6-1-29: PARENTAL RESPONSIBILITY:**

(A) *Purpose.* The purpose of the Village of Beecher parental responsibility code section is based upon the following:

1. To compensate innocent victims of willful or malicious juvenile misconduct;
2. To place upon parents or legal guardians of minor children the obligation of control so as to prevent intentional harm to persons and property; and
3. Prevent parents or guardians from knowingly or negligently permitting or causing a student under the age of 19 to be truant.

(B) *Definitions.* For the purposes of this Section, the following words and phrases shall have the following meanings:

1. “Legal guardian” means a person appointed guardian or given custody of a minor by a court, but it does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act, as amended, in the State.

2. "Minor" means any person who has not yet attained the age of nineteen (19) years.

(C) *Parental Responsibility.* No parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall fail to exercise property parental responsibility by allowing or permitting a minor to commit any violation of Village Ordinances or State statutes concerning vandalism, battery, curfew, truancy, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass, or possession of alcoholic liquor, tobacco or tobacco products, vaping, electronics smoking devices, cannabis or controlled substances, or any other offense of willful or malicious acts to persons or property.

(D) *Court Appearance.* A parent or legal guardian of a minor shall be notified and required to appear in court whenever a minor is charged with a violation of this Section. A notice in substantially similar form as the following shall be sent to the parents or legal guardians of the minor:

LEGAL NOTICE

To: (Parents' or legal guardians' names)

From: Village of Beecher

You are hereby notified that (minor's name) ("minor") has been charged with an offence which is a violation of Village ordinances or State statute and which requires the appearance of the minor in Court. You are further notified that one of the parents or legal guardians of the minor must appear in Court with the minor before the case will be tried or be disposed. If you fail to appear, the Village Prosecutor has been directed to have a subpoena issued to bring you into Court. Failure to comply with a subpoena can result in contempt of Court with a fine or imprisonment as a penalty.

The Village Prosecutor is hereby directed to have subpoenas issued whenever a parent or legal guardian of a minor does not appear in court.

(E) *Restitution.* The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which causes injury to person or property. No court order for restitution under this Section may exceed two thousand five hundred dollars (\$2,500) actual damages in addition to court costs."

**SECTION 5:** That Section 30, entitled "PENALTIES", of Chapter 1, entitled "MISDEMEANORS", of Title 6, entitled "POLICE", of the Village Code of the Village of Beecher, be, and the same is hereby added to read and provide as follows, namely:

**"6-1-30: PENALTIES:**

(A) Penalty: Whosoever violates or fails to comply with any of the provisions of this chapter shall be guilty of an offense and fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for each day during or on which a violation occurs or continues. Except when fines and costs are paid by

compromise payment as provided in subsection (B) of this section prior to court, the circuit clerk shall add to the fine any and all costs and fees upon an authorized disposition.

(B) Compromise Payment: In the event the Beecher police elect to charge any individual under a compromise citation as set forth hereinafter, any such person accused of a violation of this chapter and originally charged under this section may settle and compromise said claim without a court appearance by payment of one-half (1/2) of the minimum required fine to the village within ten (10) business days of the date of violation if the compromise box designation is so checked on the complaint and notice to appear form.”

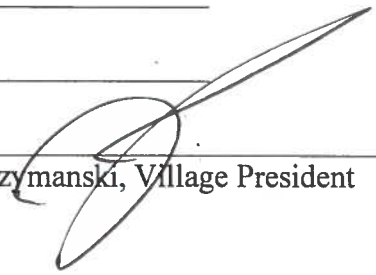
**SECTION 6:** That all existing Ordinances and Village Code provisions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.


**SECTION 7:** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, and this Village Board hereby expressly acknowledges that it would have enacted this Ordinance even with the invalid portion deleted.

**SECTION 8:** That this Ordinance shall be in effect immediately after its passage by the Village Board, its approval by the President and its publication as required by law.

**PASSED and APPROVED** this 8<sup>th</sup> day of Feb, 2021.

Yeas: 6 Meyer, Wehling, Kyprios Kraus, Mezuek, Juzeczyn  
Nays: 0  
Abstain: 0  
Present: 0

  
\_\_\_\_\_  
Greg Szymanski, Village President

**ATTEST:**  
  
\_\_\_\_\_  
Janett Conner, Village Clerk