

Chapter 201

MINORS

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Ordinance citation procedure — See Ch. 1, Art. V.

ARTICLE I

Curfew

[Derived from Title 4, Ch. 2, Art. 1, of the 1993 Code]

§ 201-1. Hours; ages.¹

It is hereby declared to be unlawful for any minor person less than 17 years of age to be or remain in or upon any of the streets, alleys or public places in the Village at night after the hour of 11:00 p.m., Monday through Friday, and midnight to 6:00 a.m., Saturday and Sunday, unless the minor is accompanied by a parent, guardian or other person having the legal custody of such minor, or is in the performance of an errand or duty directed by such parent, guardian or other person having the care and custody of such minor, or whose employment makes it necessary to be upon said streets, alleys or public places during the nighttime and after said specified hour, or who is in an orderly manner actually on his way to or from the homes of friends, school or church entertainments, or legitimate public amusement places; provided, however, this exception shall not apply when the person under such age shall be playing or unnecessarily loitering upon any such street, alley or public place, whether alone or accompanied by a parent, guardian or any other person or persons whomsoever.

§ 201-2. Parents' responsibility.²

It is hereby made unlawful for any parent, guardian or any other person having the legal care or custody of a minor person less than 17 years of age to allow or permit such minor while in their legal custody to go or be upon any of the streets, alleys or other public places in the Village within the time prohibited in § 201-1 hereof unless there exists a reasonable necessity therefor and unless said minor being upon the streets, alleys and public places would be within the exceptions set forth in § 201-1 hereof.

§ 201-3. Warrantless arrest; right to demand proper ID.³

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

Each member of law enforcement while on duty is hereby authorized to arrest without warrant any person willfully violating the provisions of this article and to retain such persons for a reasonable time in which complaint can be made and a warrant issued and served. Said law enforcement officer shall have the right to demand proper identification of age of said minor, and if said minor is unable to produce proper identification of his age, he shall be compelled to obey the instructions of the law enforcement officer.

ARTICLE II
Parental Responsibility

[Adopted 7-13-1998 by Ord. No. 98-13-7B (Title 4, Ch. 2, Art. 11, of the 1993 Code)]

§ 201-4. Purpose. ⁴

The President and Board of Trustees of the Village of Port Byron have found and determined that ensuring responsible supervision of the conduct of minors is in the best interest of the Village and its residents to promote and protect the health, welfare and safety of the residents of the Village, particularly those residents under 17 years of age.

§ 201-5. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

KNOWINGLY — Means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inquiry or inspection.

LEGAL GUARDIAN — A person appointed guardian or given custody of a minor by a circuit court of this state but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.).

MINOR — A person under the age of 17 years. ⁵

PARENT — A natural or adoptive parent or a court-designated guardian.

UNEMANCIPATED MINOR — A minor still under the care and custody of at least one of his or her parents or a legal guardian.

WILLFUL — Proceeding from a conscious and voluntary intentional motion of the will.

§ 201-6. Inciting violations by minors.

It shall be unlawful for any person, including a parent or legal guardian, to knowingly or willfully cause, aid or encourage any minor to violate or attempt to violate any federal or state law or Village ordinance or to knowingly or willfully act in such a manner as to directly tend to cause a minor to violate or attempt to violate any federal or state law or Village ordinance.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

§ 201-7. Improper supervision of minors. ⁶

It shall be unlawful for any parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian to fail to make all reasonable, necessary and effective efforts to prevent such minor from violating any of the provisions of any federal or state statute or ordinance of this Village. If after written notice either by means of a notice of violation or by letter is given by a member of the Port Byron law enforcement department to any such parent or legal guardian of any such violation by such minor, such parent or legal guardian shall be guilty of a violation of this section unless such parent or legal guardian shall have notified the Port Byron law enforcement department in writing of his or her inability to prevent such continued or repeated violation and shall request the Port Byron law enforcement department or the proper public authority to take the necessary legal proceedings toward having such minor declared and dealt with as a delinquent minor.

§ 201-8. Vandalism and malicious damage.

- A. Parental responsibility for failure to supervise. It shall be unlawful for any parent or legal guardian of an unemancipated minor residing with such parent or legal guardian to knowingly permit such minor to willfully or maliciously damage or destroy any property or to injure any person or animal.
- B. Parental responsibility for damages. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable to the full extent permitted by law for actual damages for:
 - (1) Such minor's acts of vandalism occurring within this Village; and⁷
 - (2) The willful or malicious acts of such minor which occurred within the Village and which caused injury to a person, animal or property.
- C. Presumption of knowledge. For purposes of this section, the parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have knowingly permitted such minor to have committed a violation of this section if:
 - (1) Such minor shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property; and
 - (2) The parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from Port Byron law enforcement following such adjudication or nonjudicial sanction; and

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- (3) Within one year following receipt of the notice set forth in Subsection C(2) above, such minor is either adjudicated to have violated within the corporate limits of the Village any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of a violation within the corporate limits of the Village of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property.

§ 201-9. Parental responsibility for violations by minors.

It shall be unlawful for any parent or legal guardian of a minor to knowingly suffer, permit or allow such minor to violate any provision of the ordinances of this Village, any state statute or federal law.

§ 201-10. Parental responsibility for unpaid penalties.

- A. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for all fines imposed by the issuance of a notice of violation by a law enforcement officer to an unemancipated minor who resides with such parent or legal guardian for a violation of any provision of an ordinance of this Village.
- B. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for any fine, condition or restriction or reparation imposed by a court upon such minor for a violation of any provision of an ordinance of this Village, but only if:
 - (1) Such minor has not paid the fine or made restitution or reparation within the time ordered by the court; and
 - (2) Said parent or legal guardian had been served with summons or notice to appear in the original cause as provided by law.

§ 201-11. Violations and penalties.⁸

- A. Any person violating any provision of this article shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code.
- B. The parent or legal guardian of any person under the age of 17 years who in any way violates any provision of this article shall be responsible for the payment of any fine which the person under the age of 17 years is subject to.

§ 201-12. Charging violation; prosecution.

By notice of violation. A law enforcement officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this article by delivering to

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

that person a notice of violation charging that person with the violation. The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this article to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days' after receipt of the notice of violation the law enforcement department may forward copies of the notice of violation and all reports to the Village Attorney, who shall then file a local ordinance complaint with the Rock Island County Circuit Court, charging that person with the violation and establishing a court date for trial.