

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 08-110

INTRODUCED BY: Kasaris, Petrusky, Nickell

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 6 GENERAL OFFENSES CODE, CHAPTER 648 PEACE DISTURBANCES, BY CREATING A NEW SECTION 648.131 ENTITLED CHILDREN OF COMPULSORY SCHOOL AGE TO BE IN ATTENDANCE AT SCHOOL; PARENTAL DUTY IMPOSED, AND DECLARING AN EMERGENCY

WHEREAS: It has been determined to be necessary to ensure that North Royalton's local ordinances match those of the State of Ohio regarding children of compulsory school age to be in attendance at school; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 6 General Offenses Code, Chapter 648 Peace Disturbances, by creating a new Section 648.131 entitled Children of Compulsory School Age to be in Attendance at School; Parental Duty Imposed; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 6 General Offenses Code, Chapter 648 Peace Disturbances of the Codified Ordinances of the City of North Royalton is hereby amended by creating a new Section 648.131 entitled Children of Compulsory School Age to be in Attendance at School; Parental Duty Imposed which shall hereinafter read as follows:

648.131 CHILDREN OF COMPULSORY SCHOOL AGE TO BE IN ATTENDANCE AT SCHOOL; PARENTAL DUTY IMPOSED

(a) No child between the ages of six and seventeen, inclusive; other than a child that has been suspended or expelled from school, shall be at any place within the City except in attendance at school during any time period within which such person is required in attendance at a public or private school in which such person is enrolled, unless the child has written proof from school authorities excusing him or her from attending school at that particular time, or unless the child is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the child.

(b) Each parent or legal guardian of a child between the ages of six and seventeen, inclusive, shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall recklessly fail to fulfill the duty imposed by this division.

(c) Divisions (a) and (b) of this section do not apply if the child, at the time he or she was found at a place other than in school, was not required by law to be in attendance at school.

(d) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian:

(1) Initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section; or

(2) Can demonstrate based upon the records of the North Royalton City School District that the parent or legal guardian has been actively working with officials of the School District regarding the behavior of the child prior to the time that the child was found violating division (a) of this section.

(e) A police officer or school attendance officer may transport any child found violating division (a) of this section to the child's residence and may release the child into the care of a parent or legal guardian, to the school the child usually attends, or to any location designated by the school authorities as a receiving center for such children, the choice of destination to be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors, and subject to the need to respond to emergency or priority calls.

(f) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(g) Any person who violates division (b) of this section is guilty of recklessly failing to supervise a child of compulsory school age, a misdemeanor of the fourth degree for a first offense. Any person who is convicted of a second or subsequent offense for violating division (b) of this section is guilty of a misdemeanor of the third degree.

Section 2. Chapter 648 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 648 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to ensure that North Royalton's local ordinances match those of the State of Ohio regarding children of compulsory school age to be in attendance at school.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: June 3, 2008

DATE APPROVED: June 4, 2008

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading June 3, 2008

YEAS: Gentile, Nickell, Petrusky, Willey,
McKee, Antoskiewicz, Kasaris

NAYS: none