

ORDINANCE NO. 949

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LANCASTER, CALIFORNIA, ADDING CHAPTER 9.44
TO THE LANCASTER MUNICIPAL CODE RELATING TO
PARENTAL RESPONSIBILITY

WHEREAS, there exists a concern over the levels of criminal activity of minors;
and

WHEREAS, criminal activity of minors is in part due to a lack of supervision and
control being exercised by some parents or guardians of the minors ; and

WHEREAS, this ordinance makes it a misdemeanor for a parent or guardian to
fail to exercise proper control of minors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 9.44 (“Parental Responsibility”) is hereby added to the
Lancaster Municipal Code to read as set forth in Exhibit “A” attached hereto and
incorporated herein by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of
this Ordinance, including Exhibit “A”, is held for any reason to be invalid or
unconstitutional by the decision of any court of competent jurisdiction, such decision
shall not affect the validity of the remaining portions of this Ordinance. The City Council
of the City of Lancaster hereby declares that it would have adopted this Ordinance and
each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the
fact that any one or more sections, subsections, sentences, clauses, phrases or portions be
declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage
and adoption of this Ordinance and shall cause the same to be published and posted
pursuant to the provisions of law in that regard and this Ordinance shall take effect 30
days after its final passage.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, 2010, and placed upon its second reading and adopted at a regular meeting of the City Council on the _____ day of _____, 2010 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 949 for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

**EXHIBIT “A”
ORDINANCE NO. 949**

CHAPTER 9.44

PARENTAL RESPONSIBILITY

Sections:

- 9.44.010** **Definitions.**
- 9.44.020** **Prohibited Acts.**
- 9.44.030** **Violation—Penalty.**
- 9.44.040** **Severability.**

9.44.010 **Definitions.**

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

“Minor” means any unemancipated person under the age of eighteen (18).

“Parent” means either or both natural parents of a minor, the legal guardian(s) of a minor or any other adult person or persons who have voluntarily or otherwise assumed the responsibilities of a natural parent with respect to the custody, care and control of a minor. The term “parent” does not include any natural parent, legal guardian or other person whose responsibility for the custody, care and control of the minor has been transferred to another person, otherwise terminated by court order or by the emancipation of the minor; provided, however, that any person claiming the benefit of such transfer, termination or emancipation shall bear the burden of establishing the same.

“Violation of the public peace” means a violation of any federal, state or local law or regulation.

9.44.020 **Prohibited Acts.**

It shall be unlawful for the parent of a minor to assist, aid, abet, allow, permit, suffer or encourage such minor to commit a violation of the public peace, either by overt act, by failure to act or by lack of supervision and control over such minor. Whenever a minor has been detained or taken into custody for committing a violation of the public peace, the minor’s parent shall be notified by the Los Angeles County Sheriff’s Department of such custody or detention, the reason(s) for such custody or detention, the responsibility of the parent under this Chapter 9.44 and the availability of counseling services. If there has been such notification, three (3) subsequent violations of the public peace by a minor within a ninety (90) day period shall create a presumption that the minor’s parent has failed to exercise reasonable and adequate supervision and control over such minor.

9.44.030 Violation—Penalty.

(A) Any parent violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such parent shall be deemed guilty of a separate offense for each and every violation of the public peace committed by the minor, and upon conviction of any such violation such parent shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months, or by both fine and imprisonment.

(B) In addition to the foregoing, any parent violating any of the provisions of this chapter may be ordered by a court of competent jurisdiction to pay restitution to a victim of the minor's violation of the public peace; provided, however, that the aggregate amount of restitution ordered pursuant to this Section 9.44.030(B) shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each violation of the public peace committed by the minor.

(C) In addition to the foregoing, any parent violating any of the provisions of this chapter may be issued an administrative citation by an enforcement officer as provided in Chapter 1.16 of the Lancaster Municipal Code.

9.44.040 Severability.

This Chapter and the various parts, sections and clauses thereof are declared severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this Chapter shall not be affected thereby. The City Council declares that it would have passed this Chapter and each part thereof, regardless of the fact that one or more parts thereof be declared unconstitutional or invalid.