

## CHAPTER 49

### PARENTAL RESPONSIBILITIES

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**49.01. Title and Purpose.** This Ordinance is declared necessary to protect and preserve the rights, privileges, and property of the City of Marengo, Iowa, or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, and is intended to address situations where parents have failed to act responsibly and reasonably in the supervision of their minor children to the detriment of the general public.

#### **49.02. Definitions.**

**A. Delinquent Acts.** Those acts which violate the laws of the United States, or the statutes of the state or the ordinances of the City or those acts which would cause or tend to cause the minor to come under the jurisdiction of the Juvenile Court but do not include traffic violations.

**B. Minor.** For the purpose of this ordinance, Minor shall include persons who are under eighteen (18) years of age.

**C. Parent.** A mother, father, legal guardian and any other person having the care or custody of a minor or any person acting in the parent's stead who has custody or control of the minor.

**D. Illegal Drugs.** Controlled substances obtained without a legal prescription.

**E. Juvenile Delinquent.** Those minors whose behavior interferes with the rights of others or menaces the welfare of the community.

**F. Recklessly.** Conduct engaged in by a person in conscious disregard of a substantial and justifiable risk that circumstances exist or that a result will follow which constitutes an offense under this Section and where such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

**49.03. Parental Duties.**

**A.** It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

**B.** Included (without limitation) in this continuous duty of reasonable parental control are the following duties,

1. To keep illegal drugs or illegal weapons out of the home and provide that legal weapons and/or ammunition are inaccessible to the minor except as provided in Iowa Code Section 724.22.
2. To know the Curfew Ordinances (Chapter 46, City Code) of the City of Marengo, and to require the minor to observe the Curfew Ordinance.
3. To require the minor, if sixteen (16) years of age or younger, to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission as provided in the Iowa Valley School District attendance policy unless the parent has filed the Affidavit as provided in Iowa Code Section 299.6.
4. To arrange proper supervision for the minor when the parent must be absent, in accordance with Iowa Department of Human Services guidelines.
5. To not knowingly allow or permit the minor to maliciously or willfully destroy real, personal or mixed property which belongs to the City of Marengo, or is located in the City of Marengo.

6. To not knowingly allow or permit the minor to keep stolen property, illegally possess weapons or illegal drugs, or associate with known juvenile delinquents, or criminal street gang members and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

#### **49.04. Parental Violation and Penalty.**

**A.** No parent of any minor under the age of 18 shall fail to exercise reasonable care.

**B.** A violation of this Chapter is a municipal infraction punishable as provided in Chapter 4 of this Code of Ordinances. In addition to the civil penalty provided therein, upon the second violation of this Chapter the parent or guardian may also be required to participate in and fully complete a City approved community-based treatment program (such as parenting skills, family services, employment and training, etc.).

**C.** “For the city to prove a first, second, or subsequent violation of the ordinance, it must prove by clear, satisfactory, and convincing evidence that a parent failed to exercise reasonable parental control of his or her minor, and the [delinquent act] was caused by the parent's failure to exercise reasonable parental control.”

Hensler v. City of Davenport, 790 N.W.2d 569, 589 (Iowa 2010) & Iowa Code § 364.22(5)(b)

#### **49.05. Notification of Parents; Record of Notification.**

**A.** When a minor is apprehended or detained for a delinquent or reckless act, the parent shall receive 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 the police department of the City of Marengo following said adjudication or nonjudicial sanction; and

**B.** A record of such notification shall be maintained by the Records Division of the Marengo Police Department.

C. A copy of this notice shall be provided to the minor's school attendance center

**49.06. Liability of Parents; Record of Notification.**

**A. Liable for actual damages.** The parent of an unemancipated minor who resides with such parent is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or property.

**B. Recovery.** No recovery under this Section may exceed \$2,000.00 actual damages for any one act or \$5,000.00 to the same claimant for two or more acts of such willful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to be allowed in an action under this article for personal injury, only medical, dental and hospital expenses may be recovered.

**C. Other Liability.** This article shall not affect the recovery of damages in any other cause of action where the liability of the parent is predicated on a common law or statutory basis.