

**ORDINANCE NO. 7-7-11**

**AN ORDINANCE AMENDING CHAPTER 9, OFFENSES  
AND MISCELLANEOUS PROVISIONS, ARTICLE I, IN  
GENERAL, BY ADDITION SECTION 9-84, TRUANCY, TO  
THE MUNICIPAL CODE OF THE CITY OF BURBANK**

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City Attorney

**ORDINANCE NO. 7-7-11**

**AN ORDINANCE AMENDING CHAPTER 9, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I, IN GENERAL, BY ADDITION SECTION 9-84, TRUANCY, TO THE MUNICIPAL CODE OF THE CITY OF BURBANK**

WHEREAS, Section 11-5-9 of the Illinois Municipal Code (65 ILCS 5/11-5-9) authorizes the corporate authorities of a municipality to adopt an ordinance regulating truants within its jurisdiction provided they are not inconsistent with the provisions of that section; and

WHEREAS, the City of Burbank finds that it is necessary and desirable to regulate truants in order to serve the public purposes of education and the eradication of criminal activity.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burbank, Cook County, Illinois, as follows:

**Section 1**

That Chapter 9, Offenses and Miscellaneous Provisions, Article I, In General, be amended by adding Section 9-84, Truancy, to read as follows:

**Sec. 9-84. Truancy.**

(a) *Definitions.* For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning:

(1) *Legal guardian* means any foster parent, or any person appointed guardian, or otherwise awarded custody of a minor by a court of law, or any person appointed guardian or given custody of a minor under the Illinois Juvenile Court Act (705 ILCS 405/1-1, *et seq.*), but shall not include any person appointed guardian to the estate of a minor, only.

(2) *Parent* means the father or mother of a child, whether by birth or adoption. The word parent, as used in this section, shall also mean legal guardian. If the minor's parents are divorced or separated within the meaning of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101, *et seq.*), the parent having lawful physical custody of the minor shall be deemed to be the parent authorized to give consent required by this subdivision.

(3) *Permission* means oral or written permission, with valid cause for absence, by a parent which is conveyed to the minor's school prior to the beginning of the school day in which the minor will be absent or partially absent.

(4) *Truant* means a minor subject to compulsory school attendance and who is absent without valid cause from attendance for a school day or a portion thereof.

(5) *Valid cause for absence* means illness, observance of a religious holiday, death in the immediate family, family emergency and other situations beyond the control of the minor as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the health and safety of the minor.

(b) *Truancy Prohibited.* It shall be unlawful for any person subject to compulsory school attendance within the City of Burbank to abstain from attendance at his/her school without the permission of a legal guardian for valid cause, or by the school in which the minor is enrolled. Emergency or unforeseen absences due to illness or other causes beyond the person's control shall not be deemed a violation of this section if a legal guardian submits valid cause for the absence in writing to the local school authorities within 24 hours following the next regularly school day subsequent to the absence.

(c) *Administration.* Violations of this sub-section (b) shall be administered through Chapter 9, Offenses and Miscellaneous Provisions, Article II, Administrative Adjudication of Non-vehicular Regulations Violations.

(d) *Penalties.*

(1) Any person who is over 13 years of age and adjudged to be a truant under subsection (b) shall be subject to a fine or community service, or both. Both the person alleged to be a truant and his/her legal guardian shall be provided notice and an opportunity to be heard. The fine for a violation of subsection (b) by a person 13 years or older shall be \$50.00. A truant's failure to pay the fine on or before the first hearing date shall cause the fine to be increased to \$100.00. In no event shall the fine for truants 13 years of age and older exceed \$100.00. Hours for community service shall be at the discretion of the hearing officer but, in no event, shall they exceed 80 hours. Community service will be administered by the truant's school working in conjunction with the City's School Resource Officer.

(2) If a person adjudged to be a truant under subsection (b) is under 13 years of age, the legal guardian shall be subject to a fine or community service, or both. Both the person alleged to be a truant and his/her legal guardian shall be provided notice and an opportunity to be heard. The fine for a violation of subsection (b) shall be \$100.00 and graduate in accordance with the fine table listed in §9-107 of the Municipal Code for the City of Burbank. Hours for community service shall be at the discretion of the hearing officer but, in no event, shall they exceed 80 hours. Community service will be administered by the truant's school working in conjunction with the City's School Resource Officer.

## **Section 2**

This ordinance was passed pursuant to the home rule powers of the City of Burbank.

## **Section 3**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

**Section 4**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

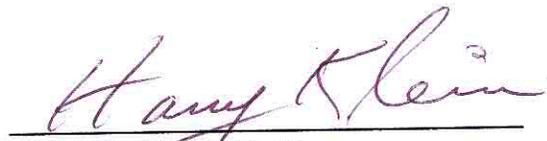
**Section 5**

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the City Clerk of the City of Burbank this 20<sup>th</sup> day of July, 2011.

  
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PATRICIA E. ROACH, City Clerk

APPROVED by me the 20<sup>th</sup> day  
of July, 2011.

  
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HARRY J. KLEIN, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the City of Burbank, in accordance with law, this 20<sup>th</sup> day of July, 2011.

  
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PATRICIA E. ROACH, City Clerk