

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2025-O-18

PARENTAL RESPONSIBILITY ORDINANCE
(Amended)

Adopted by the
Board of Trustees of the Village of Tolono, Illinois
This 1st day of July, 2025

Published in pamphlet form by authority of the President and Board of Trustees of the Village
of Tolono, Champaign County, Illinois this 1st day of July, 2025.

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

Ordinance No. 2025-O-18

July 1, 2025

PARENTAL RESPONSIBILITY ORDINANCE
(Amended)

WHEREAS, the Village of Tolono, Champaign County, State of Illinois (the "Village") is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village has observed vandalism and violation of ordinances by minors in the community; and

WHEREAS, the Village has been advised by law enforcement that parents and guardians of such minors have not been helpful in preventing ordinance violations by their wards; and

WHEREAS, the Village has determined that the within ordinance shall serve as a tool in helping to reduce crime and protect the public; and

WHEREAS, in order to protect the health and safety of the citizens of the Village, the Village desires to enforce a Parental Responsibility Ordinance which is attached hereto and by reference incorporated herein; and

WHEREAS, at several public meetings, the Village has taken and considered input from its Police Department and members of the public and has determined it appropriate and for the benefit of the Village to adopt the Parental Responsibility Ordinance attached hereto identified as Exhibit A and by reference incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, ILLINOIS AS FOLLOWS:

Section 1. Incorporation Clause.

The President and Board of Trustees of the Village hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose.

This ordinance is to adopt the Parental Responsibility Ordinance attached hereto and by reference incorporated herein.

Section 3. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and Illinois Compiled Statutes.

Section 4. State law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Section 5. Other Actions Authorized.

That the President and/or his designee is hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

Section 6. Acts of Village Officials.

That all acts and doings of the officials of the Village past, present, and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

Section 7. Headings.

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 8. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section or part thereof had not been included.

Section 9. Superseder and Publication.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 10. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee Vicki Buffo

With a second by Trustee Tom Swigart, roll call vote:

Mark Adair Aye

Daniel Grady Abstain

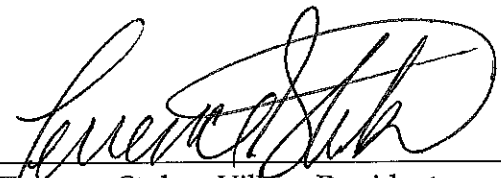
Vicki Buffo Aye

Jared Robbins Absent

Craig Goad Aye

Tom Swigart Aye

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF
TOLONO, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 1ST DAY OF JULY, 2025.


Terrence Stuber, Village President

ATTEST:

Brandy Dalton
Brandy Dalton, RMC, CMC, MMC
Village Clerk

(SEAL)

Recorded in the Municipal Records: July 1, 2025
Published in pamphlet form: July 1, 2025

CHAPTER 130, SECTION 130.50
PARENTAL RESPONSIBILITY ORDINANCE

130.51 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the *Parental Responsibility Ordinance of the Village of Tolono*. The purpose of this ordinance is to hold parents and legal guardians civilly responsible for unlawful acts and misconduct of their minor children when such acts result from a failure to exercise proper parental control as provided herein.

130.52 DEFINITIONS

Minor: Any person under the age of 18 years of age

Parent/Guardian: Any biological or adoptive parent with guardianship or other legal guardian of a minor as provided by law.

Unemancipated Minor: A minor who has not been legally emancipated by court order.

Knowingly, Recklessly, Negligently, and Maliciously shall have the meanings as defined under the Illinois Criminal Code and relevant case law.

130.53 PROHIBITED ACTS BY MINORS

It shall be unlawful for any minor within the Village of Tolono to commit any of the following acts:

- A. Maliciously, recklessly, negligently, or knowingly damage, destroy, or deface any public or private property;
- B. Maliciously, recklessly, negligently or knowingly attempt to damage or destroy any public or private property by fire or explosive device;
- C. Maliciously, recklessly, negligently, or knowingly start a fire on land of another without consent;
- D. Maliciously, recklessly, or knowingly deposit a stink bomb or offensive substance on any public or private property;
- E. Maliciously, recklessly, or knowingly enter or take control of a building, house trailer, motor vehicle, aircraft, or watercraft of another without consent.
- F. Violate any ordinance of the Village of Tolono and/or violate any law of the State of Illinois.

130.54 PARENTAL RESPONSIBILITY

The parent or legal guardian of a minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act. It shall be unlawful for the parent or legal guardian of an unemancipated minor to fail to exercise proper parental responsibility. A failure of proper parental responsibility includes, but is not limited to, violation of this Parental Responsibility Ordinance, any Village ordinance, or Illinois state statute concerning:

- Animal Cruelty
- Battery
- Curfew violations
- Disorderly conduct
- Fireworks
- Intimidation
- Use of spray paint or permanent markers on any property without consent
- Obscene conduct
- Vandalism
- Criminal Trespass
- Loitering
- Possession or consumption of alcoholic beverages
- Possession or use of controlled substances or drug paraphernalia
- Possession of firearms or weapons of any kind

Evidence, including but not limited to video surveillance, that the minor has committed any of the above violations will result in the presumption that the parent or guardian, having failed to exercise proper parental responsibility.

130.55 PENALTIES

Violation of this Parental Responsibility Ordinance is a civil infraction and the offender(s) will be charged with parental irresponsibility. A parent or legal guardian found in violation of this ordinance shall be subject to the following penalties:

First Offense: A written warning, or the issuance of a fine, at the discretion of a law enforcement officer, of \$250 will be issued. Issuance of a written warning only shall constitute a first offense with the meaning of this Section 130.55 pertaining to penalties.

Second Offense: If the same minor commits another infraction within a 12 month period of the first offense, a fine of \$500 will be issued. If a minor has trespassed onto a property and violated a no trespass order, this will automatically incur a \$500 fine.

Third or Subsequent Offense: If the minor commits three or more infractions within 12 months of the first offense, a fine of \$750 will be issued for the third and each subsequent infraction. Each separate incident shall be considered a distinct offense within a 12 month period.

Timely Payment Credit: A 10% credit shall apply against any fine if paid to the Village within 30 days of issuance.

130.56 RESTITUTION

This ordinance is to be enforced in concert with the Illinois Parental Responsibility Act 740 ILCS 115 which can provide for recovery of funds as restitution from parent or guardian for damages caused by a minor (pursuant to 740 ILCS 115/3) with authority given to the Village pursuant to 740 ILCS 115/4 to enforce the liability of such parent or guardian imposed thereunder. It is acknowledged that the Parental Responsibility Act allows for recovery of “actual damages” and where the Village serves as plaintiff allows for the recovery of “reasonable attorney’s fees” pursuant to 740 ILCS 115/3.

130.57 ENFORCEMENT

This Ordinance shall be enforced by the Tolono Police Department, Code Enforcement Officer, or other designated Village officials.

Law enforcement officers of the Village of Tolono shall have the authority, pursuant to 705 ILCS 405 and other applicable law, reasonably stop and momentarily detain a juvenile to obtain his or her name, age and address, as well as the name and address of his or her parent or legal guardian whenever said law enforcement officer shall reasonably suspect that the parent of such juvenile is in fact in violation of any Village ordinance, or if requested by an organization’s manager or property owner within the Village of Tolono.

Upon determination that the parent or guardian of such juvenile is in fact in violation of this ordinance, the law enforcement officer may direct or deliver the juvenile to the residence of his or her parent or legal guardian, as provided by law.

130.58 RECORD KEEPING

The Village Police Department shall maintain a record of all minors found to be in violation of this ordinance and of all “No Trespass” notifications issued to any minor. Such record shall be conclusive proof that a juvenile has previously been the subject of inquiry pursuant to this ordinance. The Village Police Department shall maintain a record of all parents or legal guardians contacted and determined to have violated this ordinance. These records shall be made available to any juvenile court, child welfare, or child protective agency upon request, but all records shall be kept in accordance with the Illinois Juvenile Court Act of 1987 705 ILCS 405/1-7 (A) (13) and other applicable laws.

130.59 APPEALS:

(A) Any individual issued a notice of violation and fined under this Ordinance may appeal such violation pursuant to the following appeals process.

(B) An appeal, in which it is alleged that there is error in issuance of any notice of violation and fine may be taken to the Village of Tolono Board of trustees by any person aggrieved by such issuance by the Village Police Department. Such an appeal shall be taken and filed with the Village Clerk within twenty (20) days from the date of issuance of such notice by which the appeal is taken specifying the grounds thereof. Failure to timely file such appeal shall be a waiver of the right to appeal. The appeal shall specify the alleged error or errors in such notice. The Village Clerk shall, without delay, forward to the Board of Trustees a copy of the notice of appeal together with all the records pertaining to the decision on which the appeal is made.

(C) Stay of Proceedings: A timely filed appeal shall stay all proceedings under this Ordinance except those which are criminal in nature.

(D) Hearing: within 60 days receipt of the appeal the Board of Trustees shall designate the time, place and date of a public hearing to consider the appeal where the appellant may tender arguments supporting his/her position, and the Board shall also adopt such meeting rules as reasonably necessary to facilitate such hearings. The Village shall provide notice of such hearing by personal service or by first class U.S. Postal Service mail, mailed at least 10 days prior to such hearing. Following such a hearing, the Board shall render a written recommendation on the appeal within a reasonable time, but in no event more than sixty (60) days after the closing of the public hearing. All decisions of the Village Board shall, in all instances, be final administrative determinations and shall be subject to judicial review only in accordance with applicable Illinois Statutes.