

1 BILL NO. 692

A BILL

ORDINANCE NO.

2014- 713

3 FOR

4 AN ORDINANCE

5
6
7 **PROHIBITING TRUANCY; REPEALING ORDINANCE NO. 99-409**

8
9 WHEREAS, the City of Keizer finds that it furthers the interests of the City to
10 encourage children to regularly attend school;

11 WHEREAS, children between the ages of 7 and 18 who have not completed the
12 twelfth grade are required under state law to regularly attend school;

13 WHEREAS, it has been demonstrated that youth who are educated are less likely
14 to commit crimes and more likely to become socioeconomically independent adults;

15 NOW, THEREFORE, the City of Keizer ordains as follows:

16 Section 1. CHILDREN REQUIRED TO ATTEND SCHOOL. All children
17 between the ages of 7 and 18 years who have not completed the twelfth grade are
18 required to attend regularly a public full-time school of the school district in which the
19 child resides, or comply with the exemptions set forth in ORS 339.030 and state
20 regulations thereunder.

21 Section 2. CHILDREN NOT TO BE IN A PUBLIC PLACE. No child
22 between the ages of 7 and 18 years who has not completed the twelfth grade may be in or
23 upon any street, highway, park, alley or other public place during regular school hours
24 unless:

25

1 (a) Such child is accompanied by a parent, guardian or other person 21 years
2 of age or over and authorized by the parent or by law to have care and custody of the
3 minor;

4 (b) Such child is engaged in a lawful pursuit or activity which requires the
5 presence of the child, or there exists a reasonable necessity for the presence of the child
6 during regular school hours;

7 (c) Such child is emancipated pursuant to ORS 419B.550 and 419B.558;

8 (d) Such child is authorized and approved to be away from the school by the
9 school in which the minor is enrolled;

10 (e) Such child is exempt from compulsory school attendance pursuant to ORS
11 339.030, including but not limited to children taught by a parent or private teacher,
12 provided that the child and/or parent complies with all laws and regulations regarding
13 such exemptions.

14 Section 3. REQUIREMENTS OF PARENT OR CUSTODIAN. Any parent,
15 guardian or person having the care and custody of any child between the ages of 7 and 18
16 who has not completed the twelfth grade is required to take reasonable steps to prevent
17 such child from violating Section 1 and 2 of this Ordinance and is further required to:

18 (a) Send such child to and maintain such child in regular attendance at a public
19 full-time school during the entire school term;

20 (b) Comply with the exemption set forth in ORS 339.030 and state regulations
21 thereunder.

1 As used herein, “regular attendance” is given the meaning set forth in ORS 339.065.

2 Section 4. VIOLATION OF ORDINANCE. Violation of Sections 1, 2 or 3 of
3 this Ordinance is a civil infraction. The fine amounts for the violations are as follows:

4 Maximum Fine: \$500.00

5 Minimum Fine: \$ 80.00

6 Presumptive Fine: \$200.00

7 Section 5. ENFORCEMENT OF ORDINANCE. In addition to police officers
8 or other persons permitted to enforce violations, the school district superintendent or
9 education service district superintendent, or any employee specifically designated by
10 either superintendent, may issue citations for violations under this Ordinance. Prior to a
11 superintendent or designated employee issuing a citation, such party shall provide notice
12 and take action as similar to the requirements of ORS 339.095(2).

13 Section 6. TAKING CHILD INTO CUSTODY. Any police officer having
14 reasonable grounds to suspect that a child between the ages of 7 and 18 years to be in
15 violation of Section 1 or 2 of this Ordinance may contact the minor and make an
16 investigation as may be necessary and reasonable to determine if the child is in violation
17 of this Ordinance. If the police officer has probable cause to believe that a child is in
18 violation of Section 1 or 2 of this Ordinance, the police officer:

19 (a) May take the child into custody and deliver the child to the child’s school
20 principal or designee or to the child’s parent or legal guardian;

21 (b) May refer the child to the Marion County Juvenile Department.

1 Section 7. SEVERABILITY CLAUSE. Should any section or portion of this
2 Ordinance be held unlawful and unenforceable by any court of competent jurisdiction,
3 such decision shall apply only to the specific section, or portion thereof, directly
4 specified in the decision. All other sections or portions of this Ordinance shall remain in
5 full force and effect.

6 Section 8. REPEAL OF ORDINANCE NO. 99-409. Ordinance No. 99-409 is
7 hereby repealed in its entirety, but such Ordinance shall remain in force to authorize the
8 citation, prosecution, conviction and punishment of a person who violates Ordinance No.
9 99-409 prior to the effective date of this Ordinance.

10 Section 9. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
11 after its passage.

12 PASSED this 15th day of December, 2014.

13
14 SIGNED this 15th day of December, 2014.

15
16
17 
18 _____
Mayor

19
20 
21 _____
City Recorder