

## **DIVISION I – TRUANCY ORDINANCE**

**7-1-1**      **PURPOSE.** An Adams County Ordinance is created to prohibit chronic truancy in accordance with Illinois State Law **55 ILCS 5/5-1078.2**.

**7-1-2**      **DEFINITIONS.** As used in this Ordinance, unless the context requires otherwise, are the following words and phrases shall be defined as:

**"COURT"**, the 8<sup>th</sup> Judicial Circuit; **Adams County, Illinois**.

**"PARENT"** is defined as a person who is a natural parent, adoptive parent, or step-parent of another person.

**"GUARDIAN"**

- (A) a parent, or
- (B) a person who under court order is the guardian of a minor, or
- (C) a public or private agency with which the court has placed a minor.

**"TRUANT OFFICER"** is defined as any officer, appointee, employee, or other agent of any school district or any federal, state, or local government, entity, or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute (**105 ILCS 5/26-1**).

**"TRUANCY REVIEW BOARD"** is defined as any agency or entity established by any school district or any federal, state, or local government entity or any counseling or social agency or any combination thereof recognized by the County and/or the court as an agent which provides service to improve educational performance and/or school attendance.

**"TRUANT"** is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

**"VALID CAUSE"** for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

**"CHRONIC TRUANT"** is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.

**"TRUANT MINOR"** is defined as a chronic truant ages 7 through 17 to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs, and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

**7-1-3 GOVERNING OFFICE.** In accordance to **105 ILCS 5/34/4.5**, the county appoints the Regional Office of Education to establish and implement the newly created Office of Chronic Truant Adjudication. The Office of Chronic Truant Adjudication will govern the processes and operations of this ordinance. The Regional Office of Education will monitor and maintain fiscal records and reconcile monthly with the county's account for these revenues and expenditures. The Office of Chronic Truant Adjudication will be self-sustaining.

**7-1-4 ENFORCEMENT.**

(A) No action on this Ordinance shall be made except on the signed complaint of the County's Truancy Officer, an officer of the County's Sheriffs Department, the Regional Superintendent of Schools, and/or the authorized designee of the established Office of Chronic Truant Adjudication.

(B) A "Notice of Truancy" shall be sent by certified mail or delivered in person to the offending person(s) along with a summons to appear in front of a Truancy Review Board. The Truancy Review Board as designated by the established Office of Chronic Truant Adjudication shall convene to determine if the offense of truancy has been committed. The truancy notices shall be in writing and shall:

- (1) state the name of the person being cited and the person's address, if known;
- (2) set forth the specific section of this ordinance that was violated, the dates of the violation, and a brief description of the violation; and
- (3) be signed by the issuing Police Officer, Truant Officer, or authorized complaining party, designee of the Office of Chronic Truant Adjudication.
- (4) In each instance where a citation is issued to a minor for violation of this Ordinance, a minor's parents, custodian, or guardian shall be provided a copy of the citation notifying the parent, custodian, or guardian of the charge made against the minor.

(C) A minor cited in accordance with this Ordinance must attend a hearing of the Truancy Review Board on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian, or other adult person having the legal care and custody of the minor. If any such person fails to attend any summoned hearing with the minor, unless the interest of justice would be served, the truancy offense will be directed to the State's Attorney's Office and a Truant in Need of Supervision petition will be requested. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

### **7-1-5      PENALTY.**

(A) Any person who violates any provision of this Ordinance shall be fined an amount not to exceed **One Hundred Dollars (\$100.00)**. A separate offense shall be deemed to have been committed upon each 18 truant school day periods on which such violation occurs or continues.

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of board approved community service during times other than the minor's hours of school attendance. The minor's parent, custodian, guardian, or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes and/or other counseling as recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

**(ORD. #2011-09-001-001)**

**DIVISION II – UNLAWFUL POSSESSION OR CONSUMPTION OF ALCOHOL**

**7-2-1      ORDINANCE.** Unlawful Possession or Consumption of Alcohol.

(A)            No person under 21 years of age shall purchase, accept delivery, possess, or consume alcoholic liquor except as provided in this section.

(B)            The consumption or possession of alcoholic liquor by a person under 21 years of age is not prohibited:

- (1)          in the performance of a religious service or ceremony; or
- (2)          under the direct supervision and approval of a parent when in the residence of the person under 21 years of age; or
- (2)          when the person under the age of 21 is possessing alcoholic liquor pursuant to his or her employment.

**7-2-2      PENALTY.** Any person who violates this ordinance shall pay a fine of not less than **One Hundred Dollars (\$100.00)** or more than **Five Hundred Dollars (\$500.00)**.

**(Adopted June 11, 2013)**

**DIVISION III – UNLAWFUL POSSESSION OF CANNABIS**

**7-3-1      ORDINANCE.** Unlawful Possession Of Cannabis.

(A)            This ordinance is intended to apply to first time possessors of small amounts of cannabis.

(B)            **DEFINITIONS.**

**"CANNABIS"** includes marijuana, hashish and other substances which are identified as including any parts of the plant cannabis sativa, whether growing or not, the seeds thereof, the resin extracted from any such part of such plant, and any compounded manufacture, sale, derivative, mixture, or preparation of derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, but shall not include mature stalks of such plant, fiber produced from such stalks, oil or cake made from seeds of such plant, any other compound manufactured, salt, derivative, mixture or preparation of such mature stalk, fiber, oil, cake, or the sterilized seed of such plant which is incapable of germination.

(C)            It shall be unlawful for any person to knowingly possess less than 2.5 grams of a substance containing cannabis in **Adams County, Illinois.**

**7-3-2      PENALTY.** Any person who violates this ordinance shall pay a fine of not less than **One Hundred Dollars (\$100.00)** or more than **Five Hundred Dollars (\$500.00).**

**(Adopted June 11, 2013)**

**DIVISION IV – UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA**

**7-4-1**            **ORDINANCE.** Unlawful Possession Of Drug Paraphernalia.

(A)                **DEFINITIONS.**

**"CANNABIS"** includes marijuana, hashish and other substances which are identified as including any parts of the plant cannabis sativa, whether growing or not, the seeds thereof, the resin extracted from any such part of such plant, and any compounded manufacture, sale, derivative, mixture, or preparation of derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical sythesis or by a combination of extraction and chemical synthesis, but shall not include mature stalks of such plant, fiber produced from such stalks, oil or cake made from seeds of such plant, any other compound manufactured, salt, derivative, mixture or preparation of such mature stalk, fiber, oil, cake, or the sterilized seed of such plant which is incapable of germination.

**"DRUG PARAPHERNALIA"** is all equipment, products and materials of any kind, other than methamphetamine manufacturing materials, which are intended to be used unlawfully in planting, propagating, growing, harvesting, injecting, ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body.

(B)                It shall be unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannais or a controlled substance for that use, in **Adams County, Illinos.**

**7-4-2**            **PENALTY.** Any person who violates this ordinance shall pay a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00).**

**(Adopted June 11, 2013)**

**DIVISION V – DISORDERLY CONDUCT**

**7-5-1 ORDINANCE.** Disorderly Conduct. A person commits the offense of disorderly conduct when he knowingly does any act in such an unreasonable manner as to alarm and disturb another and provoke a breach of the peace.

**7-5-2 PENALTY.** Any person who violates this ordinance shall pay a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00)**.

**(Adopted June 11, 2013)**