

**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE REVISING ARTICLE 5 OF CHAPTER 16  
OF THE KNOXVILLE CITY CODE REGARDING TRUANCY**

**WHEREAS**, the City of Knoxville, Illinois (“City”) is authorized by 65 ILCS 5/11-5-9 to regulate truants within the City; and

**WHEREAS**, the City Council of the City of Knoxville finds it in the best interest of the city and its residents to prohibit truancy of minors within the City; and

**WHEREAS**, truancy is currently prohibited under Article 5, Chapter 16 of the Knoxville City Code, but whereas said Article 5, Chapter 16 has several inconsistencies with 65 ILCS 5/11-5-9, as amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KNOXVILLE, KNOX COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1:** Article 5 of Chapter 16 of the Knoxville City Code is deleted in its entirety and replaced with a new Article 5 of Chapter 16, which shall provide as follows:

**ARTICLE 5: Truancy**

**SEC. 16-5-1: Definitions**

For the purposes of this article, the following words have the meanings ascribed to them in this section:

**COMMUNITY SERVICE.** Unpaid work or services for a non-profit organization or public body whose purpose is to enhance physical or mental stability, environmental quality, or the social welfare.

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

**VALID CAUSE.** Illness, observance of religious holiday, death in the immediate family, family emergency, or any other situation beyond the control of a student or which cause reasonable concern to the parent for the safety or health of the student, which causes the student to be absent from school.

**SEC. 16-5-2: Truancy Prohibited**

- A. It shall be unlawful for any person who is subject to the compulsory attendance requirements of section 26-1 of the Illinois School Code (105 ILCS 5/26-1) and enrolled in a public or private school within the city to be absent from school without valid cause.
- B. It shall be unlawful for any parent, guardian, or other person *in loco parentis* to knowingly permit a child in their custody or care who is subject to the compulsory attendance requirements of section 26-1 of the Illinois School Code (105 ILCS 5/26-1) and enrolled in a public or private school within the city to be absent from school without valid cause.
- C. A parent, guardian, or other person *in loco parentis* shall be deemed to have knowingly permitted a child in their custody or care to be absent from school without valid cause when the parent, guardian, or person *in loco parentis* knows that said child is absent from school without valid cause and fails to act to ensure that the child attends the school in which he or she is enrolled.

**SEC. 16-5-3: False Excuses Prohibited**

It shall be unlawful for any child subject to the compulsory attendance requirements of section 26-1 of the Illinois School Code (105 ILCS 5/26-1), or any parent, guardian, or other person *in loco parentis* such a child, to knowingly submit to the school in which such child is enrolled a written or oral statement for purposes of excusing the child from school that contains false information, including a falsified signature.

**SEC. 16-5-4: Penalty**

Any person found to be in violation of this article shall be subject to a fine not to exceed one hundred dollars (\$100.00) and may, in lieu of or in addition to any fine, be ordered to perform community service. If the violator is 13 years of age or older, the violator is subject to fines and/or community service as set forth in this section; if the violator is under 13 years of age, the parent or custodian of the violator shall be subject to fines and/or community service. Each day upon which a violation of this article occurs shall constitute a separate offense.

**SEC. 16-5-5: Administrative Warning Tickets for Truancy**

The City, at its discretion, may issue an Administrative Warning Ticket (AWT), in accordance with Article 3 of this Chapter, for any violation of Article 5 of this Chapter. An AWT issued for a violation of this Article shall carry a fine of twenty-five dollars (\$25.00) for a first offense and fifty dollars (\$50.00) for a second or subsequent offense, without prejudice to the City's authority to prosecute the violation, and seek an equal or greater fine and court costs should the fine not be paid within fifteen (15) days of issuance of the AWT. The City may, at its discretion, enter into agreements with any public school district to permit designated officials or employees of said public school district to serve AWTs on behalf of the City.

**Section 2:** In the event that a court of competent jurisdiction declares any particular provision of this ordinance to be invalid or unenforceable, the remaining provisions of this ordinance shall be construed to be valid and enforceable. The invalidity of any part of this ordinance shall not affect any part or parts thereof.

**Section 3:** This Ordinance is hereby ordered to be published in pamphlet form by the Acting Clerk of the City of Knoxville, Illinois, and said Acting Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 4:** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF KNOXVILLE, KNOX COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

APPROVED:

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Acting City Clerk

**CERTIFICATE OF PUBLICATION**

I, Leslie Wilt, the undersigned, do hereby certify that I am the duly qualified and Acting Clerk of the City of Knoxville, a municipal corporation of and in the County of Knox, Illinois, that the foregoing Ordinance No. 2018-\_\_\_\_\_, titled "An Ordinance Revising Article 5 of Chapter 16 of the Knoxville City Code Regarding Truancy," is a true and accurate copy of the Ordinance passed by the City Council of the City of Knoxville on the meeting date set forth therein, and that the Ordinance was published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by making three (3) copies thereof available on that date for public inspection.

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Acting Clerk

[Seal]