

ORDINANCE NO. 1645

AN ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, CHAPTER 10, "MISCELLANEOUS OFFENSES AND PROVISIONS," ADDING ARTICLE VII. CHILDREN'S WELFARE, SECTIONS 10-121 - 10-122; PROVIDING A PENALTY CLAUSE; PROVIDING A VALIDITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park ("Town") desires to implement those rules and regulations that protect health, life, and property and that preserve good government, order, and security of the Town and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Highland Park, Texas:

SECTION 1. That, the Code of Ordinances for the Town of Highland Park, Chapter 10, MISCELLANEOUS OFFENSES AND PROVISIONS, is hereby amended to add the following article and sections:

ARTICLE VII. CHILDREN'S WELFARE

Section 10-121. Failure to supervise a child.

- (a) *Definitions.* For purposes of this section, a person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.
- (b) A person commits the offense of failure to supervise a child if such person is the parent of a child under eighteen (18) years of age, or such person is the lawful guardian of a child under eighteen (18) years of age, and:
 - (1) Such person, with criminal negligence, allows such person's residential property, commercial property or rented premises to be used for a gathering of individuals under the age of twenty-one (21) years of age, and where at such gathering, alcohol or other illegal, controlled substances are served, consumed, ingested or otherwise used by said individuals under the age of twenty-one (21) years of age.
 - (2) Such person, with criminal negligence, allows said child to be in possession of i) stolen property, or ii) a "controlled substance," as that term is defined under Texas law, and where said child does not have a legal prescription for said controlled substance.

- (c) It is an affirmative defense to an offense under this article if the person took reasonable steps to control the conduct of the child at the time the person is alleged to have committed the offense of failure to supervise a child.

Section 10-122. Penalty.

Any person or entity violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be fined as provided in section 1-7 of this Code.

SECTION 2. Validity. That, all other provisions of Chapter 10, "Miscellaneous Offenses and Provisions, and any other ordinance of the Town of Highland Park in conflict with any provision of this ordinance be, and the same are hereby repealed, and all other provisions of Chapter 10 and any other ordinance of the Town of Highland Park not in conflict with any provision of this ordinance, shall remain in full force and effect.

SECTION 3. Severability. That, should any word, phrase, sentence, section or subsection of this ordinance be held to be void, unconstitutional or unenforceable, the same shall not affect the validity of the remaining portions of said ordinance which shall remain in full force and effect.

SECTION 4. Incorporation. That, this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 5. Effective Date. That, this ordinance shall take effect immediately following its passage, approval, and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED on the 27th day of February 2006.

APPROVED AS TO FORM:



Albert D. Hammack
Town Attorney

APPROVED:



William D. White, Jr.
Mayor

ATTEST:



James Fisher
Town Secretary