

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW ARTICLE VIII, SECTION 10-200; THEREBY PROVIDING PENALTIES FOR FAILING TO SUPERVISE A CHILD; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite ("City") desires to implement those rules and regulations that protect health, life and property, and that preserve good government, order and security of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 10 of the Code of the City of Mesquite is hereby amended by adding a new Article VIII, Section 10-200 to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

ARTICLE VIII. CHILDREN'S WELFARE

Sec. 10-200. 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 18 years of age, or such person is the lawful guardian of a child under 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 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 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 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 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

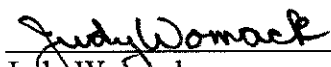
SECTION 5. That this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of April, 2006.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney