

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 8th day of September, 2008, at its regular meeting at 6:00 p.m., in the City Commission Chambers at City Hall, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs adopted an ordinance which reads as follows:

CITY OF HOBBS

ORDINANCE NO. 998

AN ORDINANCE ADDING TO SECTION 9.20 OF
THE HOBBS MUNICIPAL CODE CONCERNING
PARENTAL RESPONSIBILITY FOR CHILDREN

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
HOBBS, NEW MEXICO, THAT:

9.20.140 Parental Responsibility for Children.

A. PURPOSE.

The purpose of this Section is to provide for the protection of children from other persons, from each other and from certain inherent hazards, to provide for the enforcement of parental control over children and responsibility for children, to protect the general public and reduce the incidents of juvenile delinquent acts pursuant to the City's power to promote the health, safety and general welfare of its citizens.

B. DEFINITIONS.

1. Parent: A parent, step-parent, guardian or any other person who has care or custody of a child.
2. Child: For the purposes of this ordinance, a child is an unemancipated person under eighteen years of age.
3. Delinquent act: An act committed within the City limits of Hobbs by a child as specifically enumerated in NMSA 1978 §32A-2-3 A (2003).
4. Conduct indicating a need for supervision: Conduct by a child which a reasonably prudent parent would take necessary steps to prevent.
5. Parental Control: Parental control includes, but is not limited to the following:
 - a. keeping illegal drugs and illegal firearms out of the home;

- b. forbidding the minor from keeping stolen property or illegally possessing firearms or illegal drugs;
- c. preventing the child from applying unauthorized graffiti as defined in in NMSA 1978 Section 30-15-1.1 (1995), as amended;
- d. preventing the child from violating NMSA 1978 Sections 22-12-1 through 22-12-9 (2007), Compulsory School Attendance Law;
- e. preventing the child from being served or provided alcohol from anyone other than the child's parent;
- f. preventing the child from procuring or attempting to procure alcohol;
- g. preventing the child from procuring or attempting to procure tobacco products;
- h. providing reasonable supervision of the child.

C. DUTY OF PARENTAL CONTROL.

- 1. A parent has a duty to exercise reasonable parental control to prevent his or her child from engaging in delinquent act(s) or conduct indicating a need for supervision.
- 2. A parent commits an offense if he or she fails to provide parental control to prevent his or her child from engaging in delinquent act(s) or conduct indicating a need for supervision.
- 3. A parent who violates this Section shall be given a warning by the Municipal Court on the first such conviction, sentenced to pay a \$100.00 fine on the second such conviction, sentenced to pay a \$500.00 fine on the third such conviction, and sentenced to pay \$500 fine and up to 30 days in jail on each subsequent conviction.
- 4. In addition to, or in lieu of the penalties in subparagraph 3 above, the Court may require completion of parenting classes and/or family counseling, community service including, but not limited to, graffiti elimination and/or restitution for damages as a result of the parent's failure to supervise his or her child.
- 5. This section is not intended to replace the "New Mexico Compulsory School Attendance Law," NMSA 1978 Sections 22-12-1 through 22-12-9 (2007), any truancy supervision by the school district, private schools or any other school recognized by law, or any state or federal statute that may be applicable herein.

Copies of the ordinance are available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico.

/s/ Jan Fletcher
JAN FLETCHER, City Clerk