

ORDINANCE NO. 2549

AN ORDINANCE OF THE CITY OF GARDNER, KANSAS AMENDING ORDINANCE NO. 2529 THAT INCORPORATED BY REFERENCE THE "2016 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 44TH EDITION (STO) BY AMENDING SECTION THREE BY ADDING A NEW SUBSECTION H. TO CHAPTER 10.10.010, AMENDING SECTION 182.1 OF THE STO; ADDING A NEW SUBSECTION H. TO CHAPTER 10.10.010 OF THE CITY OF GARDNER CODE OF ORDINANCES, WHICH REGULATES TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDNER, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION 1. Section Three of Ordinance No. 2529 is hereby amended to add a new Subsection H. to Chapter 10.10.010 to read as follows:

H. SECTION 182.1 Seat Belts.

(a) Except as provided in subsection (b):

(1) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an auticycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and

(2) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an auticycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(b) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or

(3) Newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.

(c) Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(d) (1) Persons violating subsection (a)(1) shall be fined \$30 and no court costs; and

(2) Persons violating subsection (a)(2) shall be fined \$60 and no court costs.

(e) As used in this section, **passenger car** means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle. (K.S.A. Supp. 8-2502-8-2504)

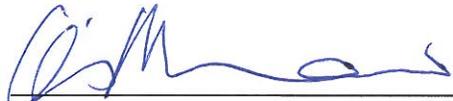
SECTION 2. Existing Sections. Along with the section added herein, all provisions of Ordinance No. 2529 shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED BY THE City Council the 3rd day of July, 2017.

APPROVED BY THE Mayor the 3rd day of July, 2017.




Chris Morrow, Mayor

ATTEST:


Kim Garrison, City Clerk

Approved as to form:


Ryan B. Denk, City Attorney