

ORDINANCE NO. 476

AN ORDINANCE CREATING SECTION 10.24.040 OF THE TOWN OF MILLS MUNICIPAL CODE ENFORCING WYOMING STATUTES PERTAINING TO CHILD SAFETY RESTRAINT LAWS AND SEAT BELT LAWS WITHIN THE TOWN OF MILLS.

WHEREAS, the Town of Mills is desirous of enforcing Wyoming Statutes §31-5-1302, §31-5-1303, §31-5-1304, and Wyoming Statutes §31-5-1305, pertaining to child safety restraint laws and Wyoming Statutes §31-5-1401 and Wyoming Statutes §31-5-1402 pertaining to seat belt laws within the Town; and,

WHEREAS, the Town is authorized by Wyoming State Statute to adopt ordinances necessary for the health, safety, and welfare of the Town; and,

WHEREAS, the adoption of an ordinance enforcing the use of child safety restraints and seat belts within the Town is necessary and desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING: That Section 10.24.040 of the Town Municipal Code is hereby created to read as follows:

A. Definitions

a. As used in this Ordinance:

- i. Child safety restraint system means any device which is designed to protect, hold or restrain a child in a privately owned, leased or rented noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident or sudden stop and which conforms to the standards prescribed by 49 C.F.R. 571.213 or to applicable federal motor vehicle safety standards in effect at the time of manufacture;
- ii. Commercial vehicle means any vehicle or vehicle combination used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit;
- iii. Emergency vehicle means any fire department vehicle, police, sheriff's department or highway patrol vehicle, civil defense vehicle, ambulance, hearse or other vehicle used primarily for emergency purposes;
- iv. Motor vehicle means every vehicle which is self-propelled;
- v. Passenger vehicle means a motor vehicle, excluding emergency and law enforcement vehicles, designed to carry people and that was equipped with safety belts at the time of manufacture;
- vi. School bus means a motor vehicle that is owned by or leased or registered to a public school district or private school or church and is used to transport children to or from school or church or in connection with school or church activities and is designed for and capable of carrying twelve (12) or more passengers;
- vii. Seating position means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodations while the motor vehicle is in motion.
- viii. Emergency vehicle means as defined in W.S. §31-5-1302(a)(iii);
- ix. Passenger vehicle means a vehicle which is self-propelled and designed to carry eleven (11) persons or less and primarily used to transport person, including pickup trucks but excluding emergency vehicles, motorcycles and buses;
- x. Police Office means as defined in W.S. §31-5-102(a)(xxxiii);
- xi. Safety Belt means a passenger restraint which was installed when the vehicle was manufactured;
- xii. Vehicle means as defined in W.S. §31-5-102(a)(lviii).

B. Child Safety Restraint System; Required Use; Exception.

- (1) Except as otherwise provided in subsection (2) of this section, no person shall operate a passenger vehicle in this Town unless each child who is a passenger in that vehicle and who is four (4) years of age or under, and who weighs forty (40) pounds or less, is properly secured in a child safety restraint system.
- (2) Any child who is within the age and weight requirements specified in subsection (1) of this section need not be properly secured in a child safety restraint system if:
 - (i) A licensed physician has determined that the weight or physical or medical condition of the child requires that the child not be secured in such a system. The person operating a passenger vehicle transporting such a child shall carry in the vehicle the physician's signed statement certifying that the child should not be secured in a child restraint system;
 - (ii) The driver of the vehicle is rendering aid or assistance to the child or his parent or guardian.

C. Penalty.

- (1) Any person who violates this article shall be issued a citation and fined not more than fifty dollars (\$50.00) for the first offense, provided that the fine shall be waived by the court upon receipt of proof by the court that the offender, after the offense occurred, has purchased, leased or otherwise acquired a child safety restraint system which meets the requirements of this article. For a second or subsequent violation of this article, the offender shall be fined not more than one hundred dollars (\$100.00).
- (2) Any person who uses a child safety restraint system in a manner other than in accordance with the manufacturer's instructions is guilty of a violation of this article and shall be fined as provided in subsection (1) of this section.
- (3) Violation of this article does not constitute evidence of negligence or recklessness and does not constitute a basis for criminal prosecution except as set forth in this article.

D. Safety Belts Required to be Used; Exceptions, Reduction in Fine

- (1) Each driver and passenger of a motor vehicle operated in the Town shall wear, and each driver of a motor vehicle shall require that a passenger under twelve (12) years of age shall wear, a properly adjusted and fastened safety belt when the motor vehicle is in motion on public streets and highways.
- (2) Subsection (1) of this section does not apply to:
 - i. Any person who has a written statement from a physician that it is not advisable for the person to wear a safety belt for physical or medical reasons;
 - ii. Any passenger vehicle which is not required to be equipped with safety belts under federal law;
 - iii. A carrier of the United States postal service performing duties as a postal carrier;
 - iv. Any person properly secured in a child safety restraint system in accordance with W.S. §31-5-1301 through W.S. §31-5-1305; or
 - v. Any person occupying a seat in a vehicle in which all operable safety restraints are being used by the driver or passengers and any person occupying a seat in a vehicle originally manufactured without a safety belt.
- (3) No motor vehicle shall be halted solely for a violation of this section. A citation for a moving violation of the motor vehicle laws of the state or ordinance of the Town shall be issued prior of issuance of a citation for violating seat belt usage requirements of this section.
- (4) All citations for violations of the motor vehicle laws of this state and for violations of traffic ordinances or traffic regulations of the Town of Mills shall contain a notation by the issuing officer indicating whether the driver and passengers complied with this section. Compliance with this section shall entitle a licensee to a ten dollar (\$10.00) reduction in the fine otherwise imposed by any court having jurisdiction over the alleged offense. The driver who violates this section may be issued a citation and may be subject to a fine of not more than twenty-five dollars (\$25.00). Any passenger who violates this section may be issued a citation and may be subject to a fine of not more than ten dollars (\$10.00).

- (5) Evidence of a person's failure to wear a safety belt as required by this section shall not be admissible in any civil action. (Laws 1989, ch. 274, § 1; 1990, ch 7., § 1; 1991, ch. 39, § 1; 2000, ch. 101, § 1.)

PASSED on 1st reading the 6th day of September, 2000.

PASSED on 2nd reading the 4th day of October, 2000.

PASSED on 3rd reading the 8th day of November, 2000

TOWN OF MILLS, WYOMING,

By: Robert Goff
Robert Goff, Mayor

ATTEST:

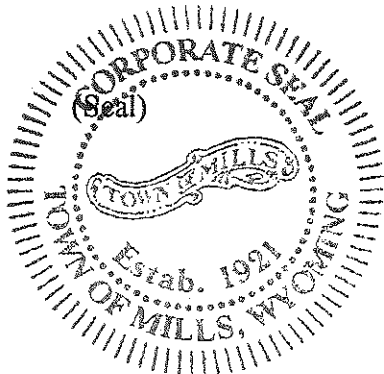
Sue Regannas
Sue Regannas
Town Clerk

I, Sue Regannas, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 476, entitled "AN ORDINANCE CREATING SECTION 10.24.040 OF THE TOWN OF MILLS MUNICIPAL CODE ENFORCING WYOMING STATUTES PERTAINING TO CHILD SAFETY RESTRAINT LAWS AND SEAT BELT LAWS WITHIN THE TOWN OF MILLS" passed on Third Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held by the Council Chambers on the 8th day of November, 2000.



Sue Regannas
Sue Regannas, Town Clerk

I, the regularly appointed, duly qualified and action Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 476 approved and passed as certified above, and following its passage by the Town Council, was posted in the Town Clerk's Office and the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming on the 27th day of November, 2000.



Sue Regannas
Sue Regannas, Town Clerk