

ORDINANCE NO. 619

AN ORDINANCE AMENDING CHAPTER 17, MUNICIPAL OFFENSES, OF THE BERTHOUD MUNICIPAL CODE WITH SECTION 17.45, MANDATORY USE OF SAFETY BELT.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO, THAT CHAPTER 17 OF THE BERTHOUD MUNICIPAL CODE IS HEREBY AMENDED WITH THE ADDITION OF THE FOLLOWING SECTION:

CHAPTER 17
MUNICIPAL OFFENSES

Section 1.

17.45 MANDATORY USE OF SAFETY BELT. As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, motorscooters, motorbicycles, motorized bicycles, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

1. Unless exempted pursuant to subsection (2) of this section, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway within the limits of the Town of Berthoud.

2. The requirement of subsection 1 of this section shall not apply to the following:

(a) A child required by section 42-4-235 C.R.S. to be restrained by a child restraint system;

(b) A member of an ambulance team, other than the driver, while involved in patient care;

(c) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(d) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(e) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and

(f) A person operating a motor vehicle for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

3. It is unlawful for any person to operate a motor vehicle while he or any passenger is in violation of the requirements of subsection 2 of this ordinance.

4. No driver or passenger in a motor vehicle shall be cited for a violation or subsection (1) of this section unless the driver was stopped by a law enforcement officer for an alleged violation of subsection 1 to 4 of this ordinance other than a violation of this section.

5. Testimony at a trial for a violation charged pursuant to subsection 4 of this section may include:

(a) Testimony by a law enforcement officer that he observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirements of subsection 2 of this ordinance; or

(b) Evidence that the driver removed the safety belts, or knowingly drove a vehicle from which the safety belts had been removed.

Section 2. Penalties

It shall be unlawful to violate any provision of this

ordinance and upon conviction the guilty party may be sentenced to a \$300.00 fine, ninety (90) days in jail or both such fine and imprisonment.

Section 3. Effective Date

This ordinance was introduced and read and a public hearing set for January 26, 1988, by the Board of Trustees of the Town of Berthoud at its meeting held on this 12th day of January, 1988. After a public hearing, this ordinance was read, passed, and ordered published by the Board of Trustees at its meeting this 26th day of January, 1988.

ATTEST:

Orahbelle Patterson
Orahbelle Patterson
Town Clerk

TOWN OF BERTHOUD:

Tommy B. Fellows
Tommy Fellows - Mayor

Loveland Daily Reporter Herald
Published