



## ORDINANCE 709

**AN ORDINANCE OF THE CITY OF THE VILLAGE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE BY REVISING SECTION 13-152; PERTAINING CHILD RESTRAINT SYSTEMS; PROVIDING FOR PENALTY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE**

**Section 1.** That Chapter 13 of The Village City Code is hereby amended by revising Section 13-152 to read as follows:

### **Sec. 13-152. Child Restraint Systems**

- A. Every driver, when transporting a child under eight (8) years of age in a motor vehicle operated on the roadways, streets, or highways of this city, shall provide for the protection of said child by properly using a child passenger restraint system as follows:
1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. The child passenger restraint system shall be rear-facing until the child reaches two (2) years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system as allowed by the manufacturer of the child passenger restraint system, whichever occurs first; and
  2. A child at least four (4) years of age but younger than eight (8) years of age, if not taller than 4 feet 9 inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.

For purposes of this section a "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

- B. If a child is eight (8) years of age or is taller than 4 feet 9 inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.



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- C. The provisions of this section shall not apply to:
1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
  2. The driver of an ambulance or emergency vehicle;
  3. The driver of a vehicle in which all of the seat belts are in use;
  4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason; or
  5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.
- D. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system.
- E. This section shall become effective November 1, 2015."



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State law reference – Title 47 O.S. 2011, Section 11-1112 as amended.  
(Ord. No. 709 §1, 07-21-2015)

**Section 2. Repealer Clause.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

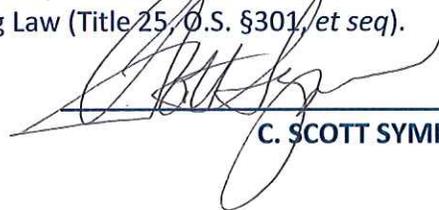
**Section 3. Severability Clause.** If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. Emergency.** WHEREAS, it being necessary for the preservation of the peace, health, safety, and public good of The City of The Village and the inhabitants thereof, an emergency is hereby declared to exist, and by reason whereof, this ordinance shall take full force from and after its passage, as provided by law.

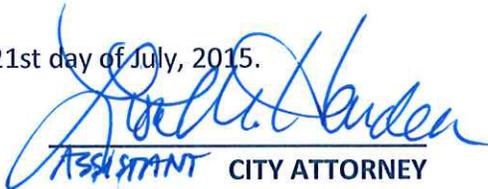
**PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA,** this 21st day of July, 2015, after compliance with notice requirements of the Open Meeting Law (Title 25, O.S. §301, *et seq.*).

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
C. SCOTT SYMES, MAYOR

APPROVED as to form and legality this 21st day of July, 2015.

  
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ASSISTANT CITY ATTORNEY