

**ORDINANCE NO. 31
SERIES 2016**

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, ARTICLE A, OF
THE VAIL TOWN CODE TO REQUIRE SEAT BELTS AND TO CREATE
A NEW TRAFFIC INFRACTION FOR VIOLATION THEREOF**

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Title 7, Chapter 2, Article A of the Vail Town Code is hereby amended by the addition of a new Section 7-2A-12, to read as follows:

7-2A-12: SEAT BELT REQUIRED:

A. Definitions. For purposes of this Section, the following terms have the following meanings:

1. **MOTOR VEHICLE:** 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, but excluding motorcycles, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

2. **SEAT BELT:** A system using 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.

B. Unless exempted pursuant to Subsection C hereof, every driver of and every front seat passenger in a motor vehicle equipped with a seat belt shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in the Town.

C. This Section shall not apply to:

1. A child required by C.R.S. § 42-4-236 to be restrained by a child restraint system;

2. A member of an ambulance team, other than the driver, while involved in patient care;

3. A peace officer as described in C.R.S. § 16-2.5-101 while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer;

4. A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a seat 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;

5. A person driving or riding in a motor vehicle not equipped with a seat belt system due to the fact that federal law does not require such vehicle to be equipped with a seat belt system;

6. A rural letter carrier of the United States postal service while performing duties as a rural letter carrier;

7. A person operating a motor vehicle which does not meet the definition of "commercial vehicle" as that term is defined in C.R.S. § 42-4-235(1)(a) 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; and

8. A person otherwise exempted from mandatory seat belt use pursuant to C.R.S. § 42-4-237, as amended.

D. A person who operates a motor vehicle while such person or any passenger is in violation of this Section commits a traffic infraction.

E. No driver of a motor vehicle shall be cited for a violation of this Section unless such driver was stopped by a law enforcement officer for an alleged traffic violation other than a violation of this Section.

Section 2. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. Retroactivity. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 4. Repeal. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency.

This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 18th day of October, 2016 and a public hearing for second reading of this Ordinance is set for the 1st day of November, 2016, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 1st day of November, 2016.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk