

ORDINANCE NO. 2508

AN ORDINANCE ADOPTING FEDERAL MOTOR CARRIER SAFETY REGULATIONS RELATED TO THE OPERATION OF COMMERCIAL MOTOR VEHICLES

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

SECTION ONE: The Governing Body of the City of Gardner, Kansas now deems it advisable to add Chapter 10.30 Commercial Traffic Ordinance.

10.30.010 Federal Motor Carrier Safety Regulations

There is hereby incorporated by reference for the purpose of regulating commercial motor vehicle safety within the city of Gardner, Kansas Statute Annotated (K.S.A.) 66-1,129 Kansas Corporation Commission Motor Carrier Regulations, which adopt and amend certain safety regulations known as the *Federal Motor Carrier Safety Regulations*, 49 C.F.R. Parts 382, 383, 385 and 390-397 and any amendments thereto. No fewer than three (3) copies of said K.S.A. 66-1129, Kansas Corporation Commission Motor Carrier Regulations, and said *Federal Motor Carrier Safety Regulations* shall be marked Official Copy and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. A copy of the ordinance codified herein shall be attached to the regulations. The Municipal Court and all administrative departments of the City charged with enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of the Regulations as may be deemed expedient.

10.30.020 Size, Weight and Load Requirements

There is hereby incorporated by reference for the purpose of regulating the size, weight, and load of vehicles within the City of Gardner, K.S.A. Chapter 8, Article 19, and any amendments thereto. No fewer than three (3) copies of said K.S.A. Chapter 8, Article 19 shall be marked Official Copy and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. A copy of the ordinance codified herein shall be attached to the regulations. The Municipal Court and all administrative departments of the City charged with enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of the Regulations as may be deemed expedient.

10.30.030 Penalties

It shall be unlawful for any person to violate the provisions of the *Federal Motor Carrier Safety Regulations* Parts 382, 383, 385, and 390-397, and K.S.A. Chapter 8, Article 19. The Judge of the Municipal Court shall, in the manner prescribed by K.S.A. 12-4305 and any amendments thereto, establish a schedule of fines for violations of any section of the of the *Federal Motor Carrier Safety Regulations* Parts 382, 383, 385 and 390-397, and K.S.A. Chapter 8, Article 19. Any person who violates the provisions of the *Federal Motor Carrier Safety Regulations* Parts 382, 383, 385, and 390-397, and K.S.A. Chapter 8, Article 19 shall, upon conviction, be punished as set forth in the fine schedule. Any person who violates any provisions of the *Federal Motor Carrier Safety Regulations* Parts 382, 383, 385, and 390-397, and K.S.A. Chapter 8, Article 19 for which a fine is not scheduled shall, upon conviction, be punished in accord with this section:

1. A fine of not more than two thousand five hundred dollars (\$2,500.00); or
2. Imprisonment for not more than one (1) year; or
3. Both such fine and imprisonment not to exceed subsections 1 and 2 of this section.
4. Each day a violation continues is deemed to be a separate offense.

SECTION TWO: Ordinance 2430 and 2431 are hereby repealed and all other ordinances not in conformity herewith are hereby repealed or amended to conform hereto. Any and all other ordinances of said City in conflict herewith are hereby amended to conform to the provisions of this Ordinance.

SECTION THREE: This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED by the City Council this 4th day of January, 2016.

SIGNED by the Mayor this 4th day of January, 2016.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk
Ryan B. Denk, City Attorney