

**ORDINANCE NO. CO 2014-33**

**AN ORDINANCE AMENDING CHAPTER 71 (TRAFFIC REGULATIONS), SECTION 71.09 (USE OF SAFETY BELTS IN MOTOR VEHICLES) OF THE MAYWOOD VILLAGE CODE RELATIVE TO THE USE OF SAFETY BELTS IN MOTOR VEHICLES**

**WHEREAS**, the Village of Maywood is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the President and Board of Trustees of the Village of Maywood desire to make certain amendments to the Maywood Village Code as set forth below in Section 2 of this Ordinance (the "Code Amendments"); and

**WHEREAS**, the Illinois Vehicle Code (625 ILCS 5/11, *et seq.*) grants to the Village the authority to enact and enforce regulations regarding specific motor-vehicle related offenses; and

**WHEREAS**, pursuant to the authority granted under the Illinois Vehicle Code (625 ILCS 5/11, *et seq.*), and in accordance with the home rule authority granted to home rule municipalities as defined by Article VII, § 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood approve the Code Amendments as set forth below.

**BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

**SECTION 2:** Chapter 71 (Traffic Regulations), Subsection 71.09 (Use of Safety Belts in Motor Vehicles) of the Maywood Village Code, as amended, shall be further amended to read in its entirety as follows:

**"§ 71.09 USE OF SAFETY BELTS IN MOTOR VEHICLES.**

(A) Each driver and front seat passenger of a motor vehicle operated on a roadway in this Village shall wear a properly adjusted and fastened seat belt. A child less than 8 years of age shall be protected as required pursuant to the Illinois Child Passenger Protection Act (625 ILCS 25/1 *et seq.*). Each driver of a motor vehicle transporting a child 6 8 years of age or more, but less than 16 years of age, shall secure the child in a properly adjusted and fastened safety belt. Each driver of a motor vehicle transporting a passenger who is unable, due to infirmity, illness, or age, to properly adjust and fasten a seat safety belt and is not exempted from wearing a seat safety belt under Subsection (B) shall secure the passenger in a properly adjusted and fastened seat safety belt as required under this Section.

(B) The provisions of this Section shall not apply to any of the following:

(1) A driver or passenger frequently stopping and leaving the vehicle for or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour;

(2) A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a safety belt;

(3) A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or county indicating that the driver or passenger is unable for medical, physical or other valid reasons to wear a safety belt;

(4) A driver operating a motor vehicle in reverse;

(5) A motor vehicle with a model year prior to 1965;

(6) A motorcycle or motor driven cycle;

(7) A moped;

(78) A motor vehicle which is not required to be equipped with safety belts under federal law.

(C) The requirement to wear a properly adjusted and fastened seatbelt shall also apply to the driver or passenger of an authorized emergency vehicle, including all Police and Fire Department personnel, unless the delivery of life-saving measures prohibits the use of a seat safety belt.

(GD) Violation of any provision of this Section is declared to be a petty offense, and any operator or passenger of a passenger motor vehicle convicted of a violation hereunder shall be fined up to \$100.

(DE) Failure to wear a seat belt in violation of this Section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(EF) Any Village police officer may stop any motor vehicle or driver or passenger of such vehicle solely on the basis of a violation or suspected violation of this Section while such motor vehicle is being operated on any roadway within this jurisdiction.

**SECTION 3:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 4:** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 5:** Except as to the provisions set forth above in this Ordinance, all Chapters and Sections of the Maywood Municipal Code shall remain in full force and effect.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

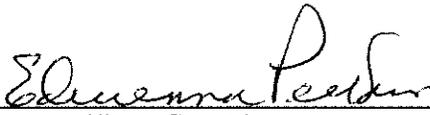
**ADOPTED** this 5th day of November, 2014 pursuant to a roll call vote as follows:

**AYES:** Mayor E. Perkins, Trustee(s) C. Ealey-Cross, A. Jaycox, M. Rogers,  
M. Lightford and R. Rivers

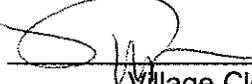
**NAYS:** None

**ABSENT:** Trustee A. Dorris

**APPROVED** by me as Village President, and attested by the Village Clerk, on this 5th day of November 5, 2014.

  
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Village President

**ATTEST:**

  
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Village Clerk

This Ordinance was published by me in pamphlet form on the 5th day of November, 2014.

  
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Village Clerk

