CITY OF COFFEYVILLE **BOARD OF COMMISSIONERS AGENDA ITEM**		
MEETING DATE	8-27-13	
RESOLUTION OR ORDINANCE NUMBER	G-13-08	
AGENDA TITLE	**An ordinance incorporating by reference certain federal motor carrier safety regulations**	
REQUESTING DEPARTMENT	Police Department	
PRESENTER	Anthony Celeste, Chief of Police	
FISCAL INFORMATION	Cost as recommended:	$165.00
	Budget Line Item:	
	Balance Available	
	New Appropriation Required:	[] Yes [X] No
PURPOSE	The purpose of this ordinance is to incorporate certain federal motor carrier safety regulations into city code. This ordinance would allow qualified officers to cite motor carrier safety violations into municipal court, as an option over district court. This ordinance does not create any new regulations or requirements for motor carriers operating within the city limits.	

BACKGROUND	Commercial vehicles are regulated by federal and state laws for the purpose of maintaining safe roadways. Because of these regulations, specialty training is required for law enforcement officers to understand and enforce these laws. Overweight commercial vehicles and other motor carrier violations can damage city roadways causing costly repairs. A responsible motor carrier inspection and safety enforcement program can help reduce the number of overweight vehicles causing damage to our streets. Currently two Coffeyville Police Officers are receiving training, at no cost to the city, by the Kansas Highway Patrol. Once completed, these officers will be certified by the State of Kansas to enforce motor carrier regulations. This ordinance would allow officers to cite violations into municipal court as an option over district court.
SPECIAL NOTES	The Coffeyville Police Department does not place ticket quotas on our officers, nor do we write tickets for the purpose of creating a revenue source. Tickets are issued, when appropriate, to protect the public by reducing traffic collisions, preventing personal injuries and traffic related deaths.
ANALYSIS	All costs associated with this program are nominal and include items such as regulation books and inspection tools. Although we do not issue citations for creating revenue, municipal courts fines will exceed these costs and fines may be directed back into street repairs.
PUBLIC INFORMATION PROCESS	
BOARD OR COMMISSION RECOMMENDATION	
STAFF RECOMMENDATION	Staff recommends approval.
REFERENCE DOCUMENTS ATTACHED	

ORDINANCE G-13-08

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF COFFEYVILLE, KANSAS; AND INCORPORATING BY REFERENCE CERTAIN FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

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

SECTION 1. There is hereby incorporated by reference for the purpose of regulating traffic upon highways and streets of the City of Coffeyville those certain standard safety regulations known as *Federal Motor Carrier Safety Regulations,* Parts 382, 383, 385, 387 and 390-399, prepared and published in book form by Mangan Communications, Inc., 315 West Fourth Street, Davenport, Iowa, 52801, 2013 edition (hereinafter the "FMCS Regulations"), save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. No fewer than three (3) copies of the FMCS Regulations shall be marked or stamped "Official Copy as Adopted by Ordinance No. G-13-07", and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge 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 FMCS Regulations similarly marked, as may be deemed expedient.

SECTION 2. It shall be unlawful for any person to violate the provisions of the FMCS Regulations. The judge of the Municipal Court may, in the manner prescribed by K.S.A. 12-4305 or any amendments thereto, establish a schedule of fines for violations of any section of the FMCS Regulations. Any person who violates the provisions of the FMCS Regulations shall, upon conviction, be punished as set forth in the fine schedule. Any person who violates any provision of the FMCS Regulations for which a fine is not scheduled shall, upon conviction, be punished as follows: (a) A fine of not less than $100.00 nor more than $2,500.00; (b) imprisonment for not more than one (1) year; or (c) both such fine and imprisonment.

SECTION 3. This ordinance shall take effect and be in force from and after its publication, as provided by law.

Passed and approved this 10th day of September 2013.

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David George, Mayor

ATTEST:

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Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

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Paul Kritz, City Attorney