

Ordinance

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF LINCOLN COUNTY AND THE BOARD OF TRUSTEES OF THE LINCOLN COUNTY HEALTH DEPARTMENT:

An ordinance establishing the regulations related to sales of used, expired, damaged, missing any parts including the owner's manual, or is otherwise unfit for the safe transport and restraint of children and provides for Referral to Resource documents that assist the Consumer with finding a Child Passenger Safety Technician for installation assistance.

Missouri Revised Statutes Section 307.178 set forth the requirements for transporting children under sixteen years of age and 307.179 set forth the requirements for defining the restraint systems used when transporting children under sixteen years of age.

This ordinance adds a new section Ordinance Number 2011-9-07 applicable to Lincoln County, Missouri as follows:

Section 1. Authority.

Section 192.300, RSMo. The county commissions and county health boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the Department of Health in accordance with this chapter or by the Department of Social Services under chapter 198, RSMo.

The administrative authority shall be the Lincoln County Health Department.

Section 2. Definitions

Child passenger safety seat sales or leases.

(a)As used in this section, the following terms shall mean:

(1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.

(2) "Child passenger restraint system", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

(3) “Consumer” means any person who purchases a child passenger safety seat for personal, family or household use. The term does not include any person who purchases child passenger safety seats primarily for the purpose of reselling or leasing such seats.

(4) “Certified Child Passenger Safety Technician” and “CPST” means any person who has completed and maintained a certificate in the 32-hour National Standardized Child Passenger Safety Training Course developed by the National Highway Traffic Safety Administration (NHTSA), which is designed to provide the basic technical skills, experience, and knowledge of the proper use and installation of child passenger safety seats.

(5) “Referral to Resource” means a list of child passenger safety technician services both public and private available in Lincoln County. This shall be a standardized form issued and kept current by the Lincoln County Health Department or its designees that contains current resources and their current contact information as well as information regarding the importance of consulting a CPST for each child passenger safety seat installation.

(6) “Occasional Sales” means a single-family, private garage or yard sale held one (1) time or less per calendar month, on or in the owner’s primary residence.

(7) “Secondhand Dealer” means any person who engages in the business of buying and selling, trading or accepting for sale on consignment secondhand property.

(8) “Used” means any Child Passenger Safety Seat not purchased new in its original packaging from the manufacturer.

(b) No person shall expose for sale, sell, lease, offer for sale or offer for lease any Child Passenger Safety Seat within Lincoln County to any Consumer, unless such person has posted within twenty (20) feet of any Child Passenger Safety Seat a Referral to Resource document provided by the Lincoln County Health Department or its designees thereby assisting the Consumer with finding a CPST. This subsection (b) shall not apply to Occasional Sales as defined by definition six (6) of this ordinance, nor shall it apply to internet sales.

(c) No person shall expose for sale, sell, lease, offer for sale or offer for lease any Child Passenger Safety Seat within Lincoln County to any Consumer that is used, expired, damaged, missing any parts including the owner’s manual, is not or is otherwise unfit for the safe transport and restraint of children. This subsection (c) shall apply to only second hand dealers as defined in section seven (7) of this ordinance.

Section 3. Violation Notices

Violation notices shall be issued in accordance with the following:

Whenever the Lincoln County Health Department has reasonable grounds for believing that there has been a violation of this ordinance, or any rule or regulation adopted pursuant thereto, the


Lincoln County Health Department shall give written notice to the person or business alleged to be in violation. Reasonable grounds include the receipt by the Lincoln County Health Department:

- 1) any signed or unsigned written or documented telephone complaint received by the Lincoln County Health Department, or
- 2) any directly observed violation by the Lincoln County Health Department during routine, random inspections.

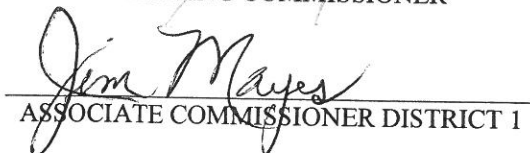
Section 4. Penalties

- 1) Persons that violate any of the foregoing sections shall be issued a Notice to Correct order by the Lincoln County Health Department via certified or registered mail to the address of the individual or business requiring remedial action, which if taken within the time specified in such order, shall effect compliance with the requirements of this ordinance .
- 2) Subsequent offenses shall be punishable by a fine of not less than \$50 nor more than \$500. Fines will increase in \$50 increments for each subsequent offense, not to exceed \$500.

This ordinance shall take effect 60 days from passage and approval.



PRESIDING COMMISSIONER



ASSOCIATE COMMISSIONER DISTRICT 1



ASSOCIATE COMMISSIONER DISTRICT 2





Lincoln County Health Department

#5 Health Department Drive • Troy, Missouri 63379

Phone: 636-528-6117 • Fax: 636-528-8629

Website: www.lchdmo.org

Public Health
Prevent. Promote. Protect.

VIOLATION NOTICE

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DATE OF INVESTIGATION:

DATE NOTICE MAILED:

PROPERTY OWNER:

MAILING ADDRESS:

LOCATION OF VIOLATION:

File ID #

As a result of an investigation, it appears that the property listed above is in violation of Section ___ of Ordinance _____, pertaining to child safety seats by presenting a safety issue to the public. This safety issue involves potential safe transportation of children under sixteen (16) years of age as defined by Missouri Revised Statute 307.178 and 307.179. Failure to abide by the above ordinance and Missouri Revised State Statute has the potential to cause injury or death to children under 16 years of age.

You are hereby ordered to remove any used or second hand child passenger restraint systems, to include booster seats, from the premises in accordance with the ordinance and standards adopted by the Lincoln County Commission within thirty (30) calendar days from receipt of this notice

You may request a hearing in writing. The hearing request must be received by this office within ten (10) calendar days from the receipt of the violation notice. If a hearing is granted, you will be notified within ten (10) calendar days of the date and location.

Failure to eliminate the ordinance violation within the specified timeframe will result in the matter being referred to the County Prosecuting Attorney's Office for possible prosecution. Additional violations will be subject to a fine not less than \$50 nor more than \$500.

If this notice has reached you in error, or if you have any questions, please contact this office promptly. Your cooperation in resolving this matter will be greatly appreciated.

OBSERVATIONS (date and description of violation):

INSPECTOR: Signed _____ Department _____