

(Summary Published in the Butler County Times-Gazette  
on the 8<sup>th</sup> day of April, 2017)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2114

AN ORDINANCE AMENDING SECTION 30.2 (d) PRELIMINARY BREATH TEST CONTAINED IN THE 2016 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES AS ADOPTED IN CITY CODE BY THE CITY OF AUGUSTA, KANSAS.

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

Section 1. Amending Section 30.2 of Standard Traffic Ordinance

Section 30.2 Preliminary Breath Test, Subsection (d) of said 2016 *Standard Traffic Ordinance* is hereby amended to read as follows:

- (d) **Refusal to take and complete the test as requested is a traffic infraction.** If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto. (K.S.A. Supp.8-1012)

Section 2. Repeal

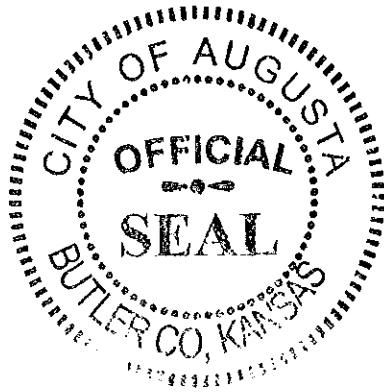
All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 3<sup>rd</sup> day of April, 2017.

Approved by the Mayor this 3<sup>rd</sup> day of April, 2017.



SEAL

  
MAYOR, MATT C. CHILDERS

ATTEST:

  
CITY CLERK, ERICA JONES