

10.14.010 Purpose.

- A. The purpose of this chapter is to protect and preserve the public health, safety and welfare. The provisions contained herein shall be liberally construed for the accomplishment of these purposes.
- B. It is the express purpose of this chapter to provide for and to promote the health and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person falling within this scope, and no provision of, nor term used in, this chapter is intended to impose any duty whatsoever upon the city of Aberdeen or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.
- D. Nothing contained in this chapter is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the city of Aberdeen, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the city of Aberdeen by its officers, employees or agents.
- E. The city council finds that the Harborview Injury Prevention Study has shown that bicycle **helmets** reduce by eighty-five percent (85%) the risk of head injuries suffered while operating or driving a bicycle not powered by motor and reduce brain injury by eighty-eight percent (88%).

10.14.020 Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following terms have the following means. All words used in the present tense include the future and past tense, all words in the plural number include the singular number, and all words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Bicycle or cycle not powered by motor" means every device propelled solely by human power upon which a person or persons may ride, having two or more wheels which are twelve (12) inches or more in diameter, and within this chapter shall include any attached trailers, sidecars, and/or device being towed by a bicycle.

"Guardian" means a parent, legal guardian, adult with custody, or temporary guardian, who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of sixteen (16) years.

"**Helmet**" means a head covering designed for safety that meets or exceeds safety standards adopted by standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequently nationally recognized standard for bicycle **helmet** performance as the city council may adopt.

"Public area" means public roadways, bicycle paths, parks, or any right-of-way, publicly-owned facility, or publicly-owned property within the city of Aberdeen.

10.14.030 Bicycle **helmet** required.

- A. Any person operating or riding on a bicycle or cycle not powered by motor in a public area shall wear a protective **helmet** designed for bicycle safety. The **helmet** must be equipped with either a neck or chin strap that shall be fastened securely while the bicycle or cycle not powered by motor is in motion.

B. The guardian of a person under the age of sixteen (16) years shall not knowingly allow, or fail to take reasonable steps to prevent, that person from operating or riding on a bicycle or cycle not powered by motor in a public area unless that person is wearing a bicycle **helmet**, the neck or chin strap of which is fastened securely while the person is on the bicycle or cycle not powered by motor.

C. No person shall transport another person on or tow another person on a bicycle or a cycle not powered by motor in any public area, unless that person is wearing a **helmet**.

10.14.040 Bicycle races and events - Bicycle **helmet** required.

A. Any person or organization managing a bicycle race, an organized event involving bicycling, or a bicycle tour, which will take place in whole or in part in any public area, shall notify participants of the requirement to wear a **helmet** during the event, race, or tour, and such persons and organizations may reject participants who fail to comply with the provisions of this chapter.

B. The person or organization managing any such event, race, or tour shall include the **helmet** requirement in any promotional brochures and on registration materials.

10.14.050 Bicycle rental, lease or loan - Bicycle **helmet** required.

A. Any person engaging in the business of renting, leasing, or loaning (e.g., "test ride") any bicycle or cycle not powered by motor for use in any public area shall offer to the person(s) renting, leasing, or using such bicycle(s) or cycle(s) not powered by motor with the rental, lease, or use of the bicycle(s), or cycle(s) not powered by motor, a **helmet**, and further shall notify such persons of the requirements under this chapter to wear a **helmet**. Such persons or organizations engaged in the business of renting, leasing, or loaning bicycles or cycles not powered by motor shall not be required to assess whether or not a **helmet** provided by the person renting, leasing, or using the bicycle or cycle not powered by motor, meets the standards set pursuant to this chapter.

B. The rental, lease, or loan documents (contract, agreement, brochure, or receipt) of any person engaging in the business of renting, leasing, or loaning any bicycle or cycle not powered by motor in the city of Aberdeen must advise the person renting, leasing, or using the bicycle or cycle not powered by motor of the **helmet** requirement of this chapter.

C. It is an affirmative defense to a violation of this section for a person wearing an unapproved **helmet** that the **helmet** was furnished in conjunction with his or her rental, lease, or use of a bicycle or cycle not powered by motor by a person or organization engaged in the business of renting, leasing, or loaning bicycles, and that the **helmet** was fastened securely while bicycling.

10.14.060 **Helmet** sales.

A. No person shall sell or offer for sale a bicycle **helmet** that does not meet or exceed the safety standards set by the American National Standards Institute (ANSI) Standard Z-90-4, or the Snell Foundation, or such subsequent nationally recognized standard for bicycle **helmet** performance as the city may adopt.

B. It is a defense that the sale or offer for sale was an isolated sale of use merchandise made by an individual who was not engaged in the business of selling or repairing recreational equipment, such as a seller at a garage or rummage sale.

10.14.070 Penalties - Infraction.

A. Any person violating any of the provisions of this chapter shall have committed an infraction which shall be processed as set forth in chapter [7.80](#) RCW and the Washington Infraction Rules for Courts of Limited Jurisdiction, with a base monetary penalty not to exceed twenty-five (\$25.00) dollars. Infractions for failure to wear a bicycle **helmet** under AMC [10.14.030](#) shall be processed in the same manner as parking infractions, including for the purposes of RCW [3.50.100](#), RCW [3.62.090](#) and RCW [46.63.110](#).

B. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year, and provides proof that he or she has acquired an approved bicycle **helmet** at the time of appearance in court.

C. Each child under sixteen (16) not meeting the requirements of section [10.14.030](#) shall represent a separate violation.

D. Each rental and each event under sections [10.14.040](#) or [10.14.050](#) shall be a separate violation.

Prior to the adoption of 6512 on 12/08/2010, Section 10.14.070 read as follows.

Prior to the adoption of 6305 on 10/17/2001, Section 10.14.070 read as follows.

(Ord. 6512, Amended, 12/08/2010; Ord. 6305, Amended, 10/17/2001)

10.14.080 Enforcement.

A. The law enforcement agency of the city shall be responsible to enforce the provisions of this chapter.

B. For the purpose of this chapter, law enforcement officers may at their discretion:

1. Enter, during business hours, the premises of a business selling, repairing, or renting bicycles or selling sporting or recreation equipment, to determine compliance with this chapter.

2. Post notice outside the premises of a business that offers for sale, rent, or other public use, bicycle **helmets** that do not meet the safety standards of this chapter, so that the public is informed, and

3. Stop a bicycle race, an organized event involving bicycling, or a bicycle tour that takes place in a public area, when there is conspicuous disregard for the requirements of this chapter, involving multiple infractions.

10.14.090 Implementation programs.

A. Information about the need for bicycle **helmets**, safe **helmet** use, safe bicycle operation, and existing bicycle safety programs shall be made available for members of the public at City Hall without charge. The police chief is authorized and directed to develop a program of **helmet** awareness, together with other public and private agencies as appropriate, designed to promote use of **helmets** by all ages and to subsidize use of **helmets** by low-income families. Such programs shall be in effect by March 1st, 2000; provided, that the existence or effectiveness of such programs shall not be a defense to a civil infraction notice issued under this chapter.

B. In order to educate the public concerning the provisions of this chapter, during the period from January 1st, 2000 through January 1st, 2001, a person violating section [10.14.030](#) will not be subject to a civil infraction monetary penalty, though a written warning of the violation may be issued. After January 1st, 2001, a violator may be issued a regular notice of civil infraction.

(Ord. 6230, Added, 11/03/1999)

