

ORDINANCE NO. 2001 - 06

**AN ORDINANCE OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON ESTABLISHING HELMET REQUIREMENTS
FOR BICYCLES AND SIMILAR RECREATIONAL VEHICLES
AND CREATING A NEW CHAPTER 10.30 OF THE
CITY OF BAINBRIDGE ISLAND MUNICIPAL CODE.**

WHEREAS, under RCW 35.75.010, the City may, by ordinance, regulate the riding of bicycles or other similar vehicles upon streets, alleys, highways or other public grounds within the City limits; and

WHEREAS, the City Council, and residents of the City are concerned about the safety and welfare of bicycle riders on public rights-of-ways; and

WHEREAS, bicycling is increasing in popularity as a form of recreation and as an alternative mode of transportation; and

WHEREAS, there has been an increase in the use of skateboards, roller skates, and scooters within our community; Whereas, head injuries are a major cause of death and disability associated with the operation of a bicycle on public roadways and bicycle paths; and

WHEREAS, bicycle helmets have been shown to be an effective deterrent to head injuries suffered by bicycle riders during a crash. A landmark study completed in 1989 by investigators at Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and Research Center shows that helmet use reduces the number of head injuries involving bicycling by 85%; and

WHEREAS, the Bainbridge Island City Council has determined that the establishment of a helmet law to cover sports, which includes bicycles, skateboards, roller skates, roller blades, scooters and horseback riding will help to provide needed protection to those participating in these sports;

WHEREAS, the City of Bainbridge Island Police Department enforces traffic laws for non-motorized vehicles on some or all public right-of-ways, publicly owned facilities and publicly owned property in the City of Bainbridge Island; and

WHEREAS, the City Council finds that, in the best interests of the health, safety and welfare of its citizens to require bicycle and other similar recreational vehicles users and riders to wear protective helmets. **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON DO ORDAIN AS FOLLOWS:**

REVISED: February 15, 2001

Section 1. New Chapter 10.30 entitled BICYCLE SAFETY AND HELMETS is hereby added to the Bainbridge Island Municipal Code to read as follows:

	10.30	BICYCLE SAFETY AND HELMETS
Sections:	10.30.010	PURPOSE AND POLICY
	10.30.020	DEFINITIONS
	10.30.030	HELMET REQUIRED
	10.30.040	BICYCLE RACES AND EVENTS – BICYCLE HELMET REQUIRED
	10.30.050	HELMET SALES – SAFETY STANDARDS
	10.30.060	PENALTIES – CIVIL INFRACTION
	10.30.070	ENFORCEMENT/IMPLEMENTATION

10.30.010 PURPOSE AND POLICY

A. This chapter is enacted as an exercise of the police power of the City of Bainbridge Island to protect and preserve the public health, safety and welfare. Its provisions 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, safety, 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. Nothing contained in this chapter is intended to be, or shall be, construed to create a duty to enforce this Chapter or to form the basis for liability on the part of the City of Bainbridge Island or its officers, employees, or agents, for any injury or damage resulting from the failure of any person to comply with this chapter. No provision of this chapter is intended to impose any duty upon the city or any of its officers or employees, which would subject them to damage in a civil action.

10.30.020 DEFINITIONS

As used in this chapter, the following terms shall have the meaning indicated, unless the context clearly requires otherwise:

A. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is 16 inches or more in diameter, or three wheels, any one of which is more than 20 inches in diameter, and within this chapter shall include any attached trailers, side cars, and/or other device being towed by a bicycle.

B. "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 18 years.

C. "Helmet" means a head covering that has been identified by its manufacturer as conforming to, or exceeding the design safety standards adopted by U.S. Consumer Product Safety Commission standard (CPSC), or such subsequently nationally recognized standard for bicycle helmet performance as the City Council may adopt.

D. "Public Area" means public roadways, bicycle paths, parks, or any right-of-way, publicly owned property within the City of Bainbridge Island.

E. "Recreational vehicle" means non-motorized skateboards, roller skates, roller blades, scooters and hooped conveyances.

10.30.30 HELMET REQUIRED

A. Any person who operates or rides a bicycle or recreational vehicle or horse in or upon any public area shall wear a helmet. The helmet shall have either the neck- or chin-strap fastened securely while the bicycle or recreational vehicle is in motion.

B. No person shall tow or transport a person on a bicycle or recreational vehicle in or upon any public area, unless the person is wearing a helmet.

C. A parent or guardian shall be responsible for requiring that a child under the age of 18 years wears a helmet, the neck- or chin-strap of which must be fastened securely, while that child is on a bicycle or recreational vehicle in motion, in any public area in the City.

D. A rider is exempted from the requirements of this ordinance if the rider has in his or her possession a letter or memo signed by a medical doctor licensed in the State of Washington indicating that the use of any helmet is harmful to the health or safety of the rider.

10.30.040 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 shall 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.

10.30.050 HELMET SALES - SAFETY STANDARDS

No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards set forth in this chapter.

10.30.060 PENALTIES - CIVIL INFRACTION

A. Any person or organization violating any of the provisions of this chapter shall have committed an infraction. The first time this infraction occurs a written warning of the violation may be issued, after the second violation the person shall be liable for monetary penalties as set forth in Chapter 7.80 RCW, not to exceed \$10.00 exclusive of statutory assessments.

B. The court may waive, reduce or suspend the penalty and dismiss the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year after the first court appearance for a violation, and provides proof that he or she has acquired a helmet.

C. In order to educate the public concerning the provisions of this chapter, during the first year following the effective date of this chapter, a person violating section 10.30.030 will not be subject to a civil infraction monetary penalty, though a written warning of the violation may be issued. Following the first year from the effective date of this chapter, a violator may be issued a regular notice of civil infraction.

10.30.070 ENFORCEMENT/IMPLEMENTATION

A. The Bainbridge Island Police Department, within the City of Bainbridge Island shall be responsible for enforcement of the provisions of this chapter and is authorized to issue infractions to persons who fail to comply with this chapter.

B. In order to provide an effective means of implementing a requirement for all recreational vehicles and their passengers to wear helmets, the Bainbridge Island Police Department is authorized to work with other public and private agencies to develop a program of helmet awareness designed to promote use of helmets by all ages. In order to educate the public concerning the provisions of (this Chapter) during the period of one (1) year from the effective date of this ordinance, a person violating this BIMC 10.30.030 will not be subject to a civil infraction though a written warning of the violation may be issued. After the effective date of this ordinance, a violator may be issued a regular notice of civil infraction. If this is the first time a person has been issued a notice of civil infraction for a violation of BIMC 10.30.030 and he or she appears in person before the court and establishes that he or she has obtained a bicycle helmet in order to comply with said section or has attended a bicycle helmet safety course sponsored by the Bainbridge Island Police Department, the court may dismiss the notice of civil infraction without costs.

C. The Bainbridge Island Public Works Department shall conspicuously post on major arterials two (2) street signs advising bicyclists that the Helmet Ordinance is in effect.

D. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the City or any political subdivision of the State for any act resulting from a person's failure to comply with this Chapter.

Section 2. SEVERABILITY

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. EFFECTIVE DATE

This ordinance shall be effective five (5) days after passage, approval and publication, as required by law.

PASSED by the Bainbridge Island City Council this 28th day of March 2001.

APPROVED by the Mayor this 29th day of March 2001.



DWIGHT SUTTON, Mayor

APPROVED AS TO FORM:

ROD KASEGUMA, City Attorney

ATTEST/AUTHENTICATE:



SUSAN P. KASPER, City Clerk

FILED WITH THE CITY CLERK:	November 22, 2000
PASSED BY THE CITY COUNCIL:	March 28, 2001
PUBLISHED:	April 4, 2001
EFFECTIVE DATE:	April 9, 2001
ORDINANCE NO.:	2001-06

REVISED: February 15, 2001