

- **Sec. 47-238. - Bicycle operating and protection standards.**

(a)

Every person operating a bicycle on a public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall ride on a permanent and regular attached seat.

(b)

Every person operating a bicycle, using rollerblades, or riding on skateboards on a public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall wear a **helmet** of good fit, fastened securely, and meeting:

(1)

The standards set forth in ANSI Z90.4;

(2)

The Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling;

(3)

ASTM bicycle **helmet** standards; and

(4)

Subsequent amendments to the bicycle **helmet** standards described above.

(c)

No person operating a bicycle on a public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall allow anyone four years old or younger and weighing 40 pounds or less to ride as a passenger on the bicycle other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's moving parts, or else astride a regular seat of a tandem bicycle.

(d)

No person operating a bicycle on a public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall allow anyone to ride as a passenger unless the passenger is wearing a **helmet** meeting the standards of subsection (b) of this section or else in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in a accident without the need for a **helmet**.

(Code 1993, § 76.01)

- **Sec. 47-239. - Enforcement.**

(a)

Any violation of [section 47-238](#)(b), (c), or (d) is punishable as provided in section G.S. 14-4 and shall be subject to a fine up to \$50.00.

(b)

Failure to observe any provision of this article shall not be admissible as evidence of negligence in a court of law.

(Code 1993, § 76.02; Ord. No. 0-96-06, 5-13-1996; Ord. No. 0-97-07, 7-14-1997)

- **Secs. 47-240—47-260. - Reserved.**

