

§ 71.11 BICYCLE EQUIPMENT AND OPERATING REGULATIONS.

(A) *Preamble.* This section is enacted because:

- (1) The major cause of death and permanent disability in bicycle accidents is head injury;
- (2) **Helmets** and child carrying devices which meet nationally recognized standards have been demonstrated to significantly reduce the numbers of head injuries in accidents;
- (3) Many cyclists do not use the appropriate equipment; and
- (4) Incentives are necessary to encourage bicyclists to wear **helmets**.

(B) *Regulations.*

(1) 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.

(2) 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 wear a **helmet** of good fit, fastened securely and:

- (a) Meeting ANSI Z90.4 standards;
- (b) The Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling;
- (c) ASTM bicycle **helmet** standards; or
- (d) Subsequent amendment(s) to the bicycle **helmet** standards described above.

(3) 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.

(4) 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** as defined in division (B)(2) above 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 an accident without the need for a **helmet**.

Penalty, see § [70.99](#)

70.99 PENALTY.

(A) *General.* Except as specifically provided at division (B) of this section, any violation of this title is subject to a civil penalty only and shall not constitute a criminal infraction. Unless specifically provided at division (C) below or elsewhere in this title, whoever violates any provisions of this title shall be subject to the penalty provisions in § [10.99](#).

(B) *Criminal penalties.* Any violation of the following sections shall constitute an infraction, punishable by a fine of not more than \$50: §§ [71.01](#) through [71.07](#), [72.08](#), [Ch. 74, Schedules V, VII, VIII and IX](#). A violation of § [72.09](#) shall constitute a Class 3 misdemeanor and shall be subject to a fine of not more than \$500.

(G.S. § 14-4(b))

(C) *Civil penalties.*

(1) Any violation of the sections of this title set forth below shall subject the offender to those civil penalties hereinafter enumerated. Civil penalties that are not voluntarily paid by the violator may be recovered by the town a civil action in the nature of a debt.

(2) Whenever a member of the Police Department or other person authorized with the enforcement of the provisions of this title regulating the parking of vehicles shall find that any of those provisions are being or have been violated by the owner or operator of the vehicle, the officer or person shall notify the owner or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice or citation in a form as the Administrator may direct.

(3) The following civil penalties shall be imposed for violations of sections of this title set forth below. Payment of the penalty shall be due within 30 days after issuance of the notice or citation for the violation.

(a) Any violation of the following sections shall subject the offender to a penalty of \$12: §§ [72.01](#)(A)(1), (A)(3) through (A)(5), (A)(7) through (A)(12), and (A)(15) through (A)(19); [72.01](#)(C); [72.02](#); [72.05](#) through [72.07](#); [Chapter 75, Schedules III and IV](#).

(b) Any violation of the following sections shall subject the offender to a penalty of \$20: §§ [72.01](#)(A)(6); [72.01](#)(A)(14).

(c) Any violation of the following sections shall subject the offender to a penalty of \$30: §§ [72.01](#)(B); [72.04](#).

(d) Any violation of the following sections shall subject the offender to a penalty of \$50: §§ [70.05](#)(C); [71.08](#); [71.09](#)(A) and (B); [71.10](#)(A), (B), (C) and (D); [72.01](#)(A)(2).

(e) Any violation of the following sections shall subject the offender to a penalty of \$100: § [72.01](#)(A)(13).

(4) A civil penalty of \$20, in addition to the one imposed pursuant to division (C)(3) above, shall be imposed in those cases in which the penalty prescribed in division (C)(3) above has not been paid within the designated 30-day period. In the event it is necessary for the town to institute a civil action to collect any civil penalty, the violator shall be responsible for all court costs and attorney's fees incurred by the town.

(5) The first violation of § [71.11](#)(B)(2), (3) or (4) shall be dismissed if the person charged submits proof within ten days that equipment meeting the standards in § [71.11](#)(B)(2), (3) or (4) has been acquired for use by the operator or passenger. Otherwise, any violation of § [71.11](#)(B)(2), (3) or (4) is punishable by a civil penalty in the amount of \$50, plus court costs.

(6) All civil penalties paid to the town, as herein provided, shall be paid into the General Fund of the town.

(Ord. passed 10-20-16)