

ORDINANCE NO. 4717

AN ORDINANCE establishing Bicycle Helmet regulations, and creating a new chapter 10.14 of the Bremerton Municipal Code.

THE CITY OF BREMERTON DOES ORDAIN:

Section 1. New Chapter 10.14 entitled BICYCLE SAFETY AND HELMETS is hereby added to read as follows:

10.14.010 PURPOSE AND POLICY

- A. This chapter is enacted as a n exercise of the police power of the City of Bremerton 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. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person included within its scope, and no provision of, or term used in, this chapter is intended to impose any duty whatsoever upon the City of Bremerton 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, or shall be, construed to create or to form the basis for liability on the part of the City of Bremerton or its officers, employees, or agents, for any inquiry or damage resulting from the failure of any person to comply with this chapter.

10.14.020 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 designed for safety that meets or exceeds 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 Bremerton.

10.14.030 BICYCLE HELMET REQUIRED.

- A. Any person operating a bicycle in motion, riding a bicycle, or in tow of a bicycle, in or upon any public area shall wear a helmet, and shall have either the neck or chin strap of the helmet fastened securely while the bicycle is in motion.
- B. No person shall transport another person on or tow another person on a Bicycle in or upon any public area, unless that person is wearing a helmet.
- C. A parent or guardian is responsible for requiring that a child under the age of 16 years wear a helmet, the neck or chin strap of which is fastened securely, while upon a bicycle in motion, or bicycling or riding as a passenger on a bicycle in any public area.

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 HELMET SALES - SAFETY STANDARDS

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

10.14.060 PENALTIES – CIVIL INFRACTION

- A. Any person or organization violating any of the provisions of this chapter shall have committed an infraction and shall be liable for monetary penalties as set forth in Chapter 7.80 RCW, not to exceed \$25.00 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 10.14.030 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.

10.14.070 ENFORCEMENT

- A. The Bremerton Police Department within the City of Bremerton shall be responsible for enforcement of the provisions of this chapter.

10.14.080 SERVABILITY

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

Section 2. EFFECTIVE DATE.

This ordinance shall take effect ten (10) days after passage and publication.

APPROVED by the Bremerton City Council this 9th day of August, 2000.

PASSED by the Bremerton City Council this 16th day of August, 2000.

Carol Arends
CAROL ARENDS, Council President

APPROVED this 22, day of August, 2000.

Lynn S. Horton
LYNN S. HORTON, Mayor

ATTEST:

K. McCluskey
KATHLEEN L. McCluskey, City Clerk

EFFECTIVE DATE 9-1-00
PUBLICATION DATE 8-22-00
ORDINANCE NUMBER 4717