

#### 16.49.010 Purpose and policy declared.

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(a) This chapter is enacted as an exercise of the police power of the city of Fircrest 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 benefitted 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 Fircrest 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 Fircrest or its officers, employees, or agents, for any injury or damage resulting from the failure of any person to comply with this chapter. (Ord. 1117 § 1, 1996).

#### 16.49.020 Definitions.

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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 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.

(d) “Public area” means public roadways, bicycle paths, parks, or any right-of-way, publicly owned facility, or publicly owned property within the city of Fircrest. (Ord. 1117 § 2, 1996).

**16.49.030 Bicycle helmet required.**  

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(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. (Ord. 1117 § 3, 1996).

**16.49.040 Bicycle races and events – Bicycle helmet required.**  

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(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. (Ord. 1117 § 4, 1996).

**16.49.050 Bicycle rental, lease or loan – Bicycle helmet required.**  

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(a) Any person engaging in the business of renting, leasing, or loaning (e.g., “test ride”) any bicycle for use in any public area shall offer to the person(s) renting, leasing, or using such bicycle(s) with the rental, lease, or use of the bicycle(s) 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 shall not be required to assess whether or not a **helmet** provided by the person renting, leasing, or using the bicycle, 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 in the city of Fircrest must advise the person renting, leasing, or using the bicycle of the **helmet** requirements 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 by a person or organization engaged in the business of renting, leasing, or loaning bicycles, and that the helmet was fastened securely while bicycling. (Ord. 1117 § 5, 1996).

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**16.49.060 Helmet sales – Safety standards.**  

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(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.

(b) It is a defense that the sale or offer for sale was an isolated sale of used 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. (Ord. 1117 § 6, 1996).

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**16.49.070 Enforcement.**  

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(a) The Fircrest police department shall be responsible for enforcement of the provisions of this chapter.

(b) For the purpose of this chapter, law enforcement officers may:

(1) Enter, during business hours, the premises of a business selling, repairing, leasing, loaning or renting bicycles or selling sporting or recreation equipment, to determine compliance with this chapter; and

(2) Post outside the premises of a business that offers for sale, rent, lease, loan or other public purpose a list of helmets that do not meet the safety standards of this chapter, so that the public is informed; and

(3) Stop a participant in a bicycle race, an organized event involving bicycling, or a bicycle tour that takes place in a public area when there is a violation of the requirements of this chapter. (Ord. 1117 § 8, 1996).

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**16.49.080 Information and education.**  

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(a) The city shall endeavor to provide annually, or more frequently, information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and bicycle safety programs.

(b) The city of Fircrest encourages any person engaging in the business of selling bicycle helmets to include information on safe helmet usage with each helmet sold. (Ord. 1117 § 9, 1996).

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**16.49.090 Violation – Penalty.**  

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(a) Every person convicted of a violation of any provision of this chapter shall be subject to a monetary penalty in the amount of \$101.00. Each act in violation of any of the provisions hereof shall be deemed a separate traffic infraction offense. A monetary penalty of \$52.00 shall also be imposed for failure to respond to the notice of infraction relating to bicycle safety and helmets.

(b) The court may reduce 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 of the date of the violation and provides proof that he or she has acquired an approved bicycle **helmet** at the time of the appearance in court. The reduced monetary penalty shall be \$25.00.

(c) Each child under age 18 not meeting the requirements of FMC [16.49.030](#) shall represent a separate violation.

(d) Each rental and each event under FMC [16.49.040](#) shall be a separate violation. (Ord. 1373 § 1, 2005; Ord. 1117 § 7, 1996).