

10.22.010 Purpose and policy declared. 

A. This chapter is enacted as an exercise of the authority of the city of Gig Harbor 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, nor term used in, this chapter is intended to impose any duty whatsoever upon the city of Gig Harbor 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, nor shall be construed to create or to form the basis for, a liability on the part of the city of Gig Harbor or its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the city of Gig Harbor by its officers, employees or agents. (Ord. 737 § 1, 1996).

10.22.020 Definitions. 

As used in this chapter, the following terms shall have the meanings 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. Within this chapter, the term "bicycle" 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 16 years.

C. "Approved **helmet**" means a head covering designed for safety that meets or exceeds bicycle **helmet** safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation which are hereby adopted by reference as if fully set forth herein.


D. "Public area" means public roadways, bicycle paths, parks, or any right-of-way, publicly-owned facility, or publicly-owned property within the city. (Ord. 737 § 1, 1996).

10.22.030 Bicycle helmet required. 

A. Any person bicycling or riding as a bicycle passenger on or in tow of a bicycle upon any public area in the city shall wear an approved bicycle 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 upon any public area in the jurisdiction of the city, unless the passenger is wearing an approved bicycle helmet.

C. A parent or guardian is responsible for requiring that a child under the age of 16 years wear an approved bicycle 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 in the city. (Ord. 737 § 1, 1996).

10.22.040 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 in the city, shall require that all participants riding on or in tow of bicycles wear approved bicycle helmets, 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 requirement to wear approved helmets in any promotional brochures and on registration materials. (Ord. 737 § 1, 1996).

10.22.050 Bicycle rental, lease or loan – Bicycle helmet required. 

A. Any person engaging in the business of renting, leasing, or loaning (e.g., "test ride") any bicycle for use in any public area in the city shall supply the person(s) renting, leasing, or using such bicycle(s) with approved bicycle helmet(s), along with the bicycles unless the bicycle riders and passengers possess approved bicycle helmets of their own, and offer proof thereof, for use with the bicycle, and further shall notify such persons of the requirements of this chapter to wear a helmet meeting the safety standards described in GHMC [10.22.020\(C\)](#).

B. The rental, lease, or loan documents (contract, agreement, brochure, or receipt) 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. 737 § 1, 1996).

10.22.060 Helmet sales – Safety standards. 

A. No person shall sell or offer for sale a **helmet** that does not meet or exceed the safety standards described in GHMC [10.22.020](#)(C).

B. It is an affirmable defense to a violation of this section 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. 737 § 1, 1996).

10.22.070 Penalties – Traffic infraction. 

A. Any person violating any of the provisions of this chapter shall have committed a traffic infraction and shall be liable for monetary penalties not to exceed \$124.00.

B. The court may waive, reduce, or suspend the penalty and clear the citation as a warning for a person who has not been cited under this chapter within one year, and provides proof that he or she has acquired an approved bicycle **helmet** at the time of appearance in court.

C. A guardian may be cited for a separate violation of this chapter for each child under 16 years of age riding on or in tow of a bicycle not wearing an approved **helmet**.

D. Each rental and each event under subsection A of this section shall be a separate violation. (Ord. 1300 § 1, 2014; Ord. 737 § 1, 1996).

10.22.080 Enforcement. 

A. The Gig Harbor police department shall be responsible for enforcement of the provisions of this chapter.

B. For the purpose of this chapter, law enforcement officers may at their discretion:

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;

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. 737 § 1, 1996).

10.22.090 Information and education.



A. Information about the need for bicycle helmets, safe **helmet** use, safe bicycle operation, and bicycle safety programs is available at the city of Gig Harbor police department.

B. The city of Gig Harbor encourages any person engaging in the business of selling bicycles to include information on bicycle safety and the bicycle **helmet** requirements of this chapter with each bicycle sold.

C. The city of Gig Harbor encourages any person engaging in the business of selling bicycle helmets to include information on safe **helmet** usage with each **helmet** sold. (Ord. 737 § 1, 1996).