

10.62.010 Purpose and policy declared.

(1) This chapter is enacted as an exercise of the authority of the city of Puyallup to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

(2) It is the express purpose of this chapter to provide for and to promote the health 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.

(3) It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person falling within this scope, and no provision of, nor term used in, this chapter is intended to impose any duty whatsoever upon the city of Puyallup or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(4) 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 Puyallup, 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 Puyallup by its officers, employees or agents. (Ord. 2403 § 2, 1994).

10.62.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless every context clearly requires otherwise:

(1) “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 (RCW [46.04.071](#)). Within this chapter, the term “bicycle” shall include any attached trailers, side cars, and/or other device being towed by a bicycle.

(2) “Guardian” means a parent, legal guardian, an 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.

(3) “**Helmet**” means a head covering 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 subsequent nationally recognized standard for bicycle **helmet** performance as the city council may adopt.

(4) “Public area” means public roadways, bicycle paths, parks, or any right-of-way or publicly owned facility under the jurisdiction of the city of Puyallup. (Ord. 2403 § 2, 1994).

10.62.030 Bicycle helmet required.

(1) Any person bicycling or riding as a bicycle passenger on or in tow of a bicycle upon any public area in the city of Puyallup shall wear an approved bicycle helmet designed for safety that meets or exceeds the standards adopted in PMC [10.62.020](#)(3), and shall have either the neck or chin strap of the helmet fastened securely while the bicycle is in motion.

(2) No person shall transport another person on or in tow of a bicycle upon any public area in the jurisdiction of the city of Puyallup, unless the passenger is wearing a helmet that meets the requirements of this chapter.

(3) A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved bicycle helmet while bicycling or riding as a passenger on a bicycle in any public area in the city of Puyallup, and has the neck or chin strap of the helmet fastened securely. (Ord. 2403 § 2, 1994).

10.62.040 Bicycle races and events – Bicycle helmet required.

(1) Any person managing a bicycle race, an organized event involving bicycling, or a bicycle tour in the public areas of the city of Puyallup shall require that all participants on or in tow of bicycles wear approved bicycle helmets.

(2) The person managing any such event shall include the bicycle helmet requirement in any promotional brochures and on registration materials. (Ord. 2403 § 2, 1994).

10.62.050 Bicycle leasing or loan – Bicycle helmet required.

(1) Any person engaging in the business of renting or loaning (e.g., “a test drive”) any bicycle for use in any public place in the city of Puyallup shall supply the persons leasing or using bicycles with approved bicycle helmets as defined herein, 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.

(2) The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle of the bicycle helmet requirements of this chapter.

(3) It is a defense to this section for a person wearing an unapproved bicycle helmet that the helmet was furnished in conjunction with his or her lease of a bicycle by a person engaged in the business of renting bicycles, and that the helmet was fastened securely while bicycling. (Ord. 2403 § 2, 1994).

10.62.060 **Helmet sales – Safety standards.**

(1) No person shall sell or offer for sale a bicycle **helmet** that does not meet or exceed the safety standards set by the American National Standards Institute (ANSI) Standard Z-90.4, or the Snell Foundation, or such subsequent nationally recognized standard for bicycle **helmet** performance as the city of Puyallup may adopt.

(2) 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. 2403 § 2, 1994).

10.62.070 **Penalties – Traffic infraction.**

(1) Any person violating any of the provisions of this chapter shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in Chapter [46.63](#) RCW, not to exceed \$25.00.

(2) The court may waive, reduce, or suspend 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, and provides proof that he or she has acquired an approved bicycle **helmet** at the time of appearance in court.

(3) Each child under 16 not meeting the requirements of PMC [10.62.020](#) shall represent a separate violation.

(4) Each rental and each event under PMC [10.62.040](#) shall be a separate violation. (Ord. 2403 § 2, 1994).

10.62.080 **Enforcement.**

(1) The city of Puyallup police department shall be responsible for enforcing the provisions of this chapter.

(2) For the purpose of this chapter, law enforcement officers may at their discretion:

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

(b) Post notice outside the premises of a business that offers for sale, rent, or other public use, bicycle helmets that do not meet the safety standards of this chapter, so that the public is informed; and

(c) Stop a bicycle race, an organized event involving bicycling, or a bicycle tour that takes place in a public area, when there is conspicuous disregard for the requirements of this chapter, involving multiple infractions. (Ord. 2403 § 2, 1994).

10.62.090 **Information and education.**

(1) Information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and existing bicycle safety programs is available at the city of Puyallup police and fire departments.

(2) The city of Puyallup 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.

(3) The city of Puyallup encourages any person engaging in the business of selling bicycle helmets to include information on safe helmet usage with each helmet sold. (Ord. 2403 § 2, 1994).

10.62.100 Severability.  

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 2403 § 2, 1994).