

381.07 BICYCLE SAFETY.

(a) No person over the age of five years shall operate a bicycle within the City unless such person is wearing a protective **helmet** on his/her head, with the chin strap fastened under the chin. Such **helmet** shall be fitted to the size of the operator and shall meet or exceed the standards set by ANSI (American National Standards Institute) or SNELL (Snell Memorial Foundation).

(b) No person shall be a passenger on a bicycle within the City unless such person is wearing a protective **helmet** on his/her head with the chin strap fastened under the chin. Such **helmet** shall be fitted to the size of the passenger and shall meet or exceed the standards set by ANSI (American National Standards Institute) or SNELL (Snell Memorial Foundation).

(c) No person who is the parent, guardian or legal custodian of a minor who engages in conduct prohibited by subsections (a) and/or (b) hereof shall create a substantial risk to the health or safety of such minor by aiding, abetting, causing, encouraging or permitting conduct which violates subsections (a) or (b) hereof.

(d) When the Director of Health has reason to believe that a person has engaged in conduct in contravention of subsections (a), (b) and (c) hereof, such person, or in the case of a minor, the parent, guardian or legal custodian of such minor, shall be notified of the infraction, in writing by the Director, and of the dangers which may result when a bicycle accident occurs to a person not wearing a **helmet**.

(e) A violation of subsections (a), (b) or (c) shall be considered a civil infraction, punishable by a penalty of \$25 for any violation occurring subsequent to a written notice as provided in subsection (d) hereof.

(f) When the Director of Health has reason to believe that a person has committed a subsequent violation of subsections (a), (b) or (c), he shall provide such person, or in the case of a minor, the parent, guardian or legal custodian, written notice of the violation, and the penalty therefor. Such person or parent, guardian or legal custodian of a minor receiving the written notice of violation may request, in writing, an informal hearing before the Director of Health, within ten (10) days of the date of the notice of violation. Upon receipt of such request, the Director of Health shall schedule an informal hearing wherein the notice of violation may be reviewed with the person requesting the hearing. The Director shall render a decision regarding the violation within a reasonable time after the hearing, advising the parent, guardian or legal custodian, in writing, of his decision. The Director's decision shall be final.

(g) The Director of Health may waive the \$25 civil infraction penalty upon presentation of proof of purchase of a protective **helmet** which meets or exceeds the standards set forth herein subsequent to the violation, or upon good cause shown, as determined solely by the Director of Health.

(h) This section shall not be applicable to the operation of a bicycle on private residential property.

(i) The Police Department and other departments of the City, as appropriate, shall cooperate with the Director of Health in the enforcement of this section, including, but not limited to, the reporting of violations, and the provision of educational programs concerning bicycle **helmet** safety. (Ord. 97-75. Enacted 7-21-97.)