

- **Sec. 106-609. - Requirements for helmet and restraining seat use.**

With regard to any **bicycle** or alternative transportation used on a public roadway, public **bicycle** path, or other public right-of-way or area:

(a)

It shall be unlawful for any person to operate or be a passenger on a **bicycle** or alternative transportation device unless at all times when the person is so-engaged he or she wears a protective safety helmet of good fit fastened securely upon the head with the straps of the helmet.

(b)

It shall be unlawful for any person to be a passenger on a **bicycle** or alternative transportation device unless all of the following conditions are met:

(i)

The person is able to maintain an erect, seated position on the device and is at least one year of age;

(ii)

Except as provided in paragraph (iii), the person is properly seated alone on a saddle seat (as on a tandem **bicycle**); and

(iii)

With respect to any person who weighs fewer than 40 pounds, or is less than 40 inches in height, the person can be and is properly seated in and adequately secured to a child passenger seat.

(c)

It shall be unlawful for any parent or legal guardian of a person below the age of 16 to permit such person to operate or be a passenger on a **bicycle** or alternative transportation device in violation of subsection (a) or (b) of this section.

(d)

It shall be unlawful to rent or lease any **bicycle** or alternative transportation device to or for the use of any person unless:

(i)

The person is in possession of a protective safety helmet of good fit at the time of such rental or lease; or

(ii)

The rental or lease includes a protective safety helmet of good fit, and the person intends to wear the helmet, as required by subsection (a), at all times while operating or being a passenger on the **bicycle** or alternative transportation device.

(Ord. No. 2010-06, § 4, 4-20-10)

- **Sec. 106-610. - Civil penalties.**

(a)

Violation of this division shall be subject to the jurisdiction of the Administrative Hearing Officer of the City of Starkville. Violation of the ordinance shall result in a civil penalty as imposed by the administrative hearing officer in accordance with the most current schedule to be published and maintained by the code compliance division of the building, codes and planning department and approved by the board of aldermen.

(b)

Upon the issuance of a citation to an offender and where necessary a positive identification of the parent or legal guardian of any child, except as provided in subsection (b) below, any parent or guardian violating the requirement set forth in [section 106-609](#)(c) shall be guilty of an administrative violation and upon conviction sentenced to pay an administrative fine of \$15.00, inclusive of all penalty assessments and court costs for the first violation, or shall have the opportunity to purchase an approved helmet as described in the ordinance above. Proof of such purchase shall be presented at the time of the hearing.

(c)

Upon the finding of a third conviction and the passage of six months from the date of passage, the full fine schedule and administrative costs as published shall be applied in accordance with the findings of the administrative hearing officer.

(Ord. No. 2010-06, § 5, 4-20-10)

- **Sec. 106-611. - Enforcement.**

There shall be a six-month period after the date of passage of the ordinance in which there will be issued two warning citations prior to the requirement for an administrative hearing process per [section 106-610](#) of this division. A warning citation and when applicable, a regular citation may be written by any uniformed police officer or the uniformed code enforcement officer as authorized agents for the City of Starkville.

(Ord. No. 2010-06, § 1, 4-20-10)