

CHAPTER 10.32 BICYCLE SAFETY AND HELMETS

Sections:

- 10.32.010 Purpose and policy declared.
- 10.32.020 Definitions.
- 10.32.030 Bicycle helmet required.
- 10.32.040 Bicycle races and events--Bicycle helmet required.
- 10.32.050 Bicycle rental, lease or loan--Bicycle helmet required.
- 10.32.060 Helmet sales--Safety standards.
- 10.32.070 Enforcement and penalties.

10.32.010 Purpose and policy declared.

(a) This chapter is enacted as an exercise of the police power of the Town of Steilacoom to protect and preserve the public health, safety and welfare. (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) 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 Town of Steilacoom or its officers, for any injury or damage resulting from the failure of any person to comply with this chapter. (Ord. 1163 §1(part), 1995).

10.32.020 Definitions. As used in this chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise. (1) "Bicycle" means every device propelled solely by human power upon which a person or person may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any of which is more than twenty inches in diameter, and within this chapter, shall include any attached trailers, side cars and/or other device being towed by a bicycle. 10-16 (2) "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. (3) "Helmet" means a head covering designed for safety that meets safety standards adopted by Standard Z-90 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequently nationally-recognized standard for bicycle helmet performance as the Town Council may adopt. (4) "Public Area" means public roadways, bicycle paths, parks, or any right-of-way, publicly owned facility, or publicly owned property within the corporate limits of the Town of Steilacoom. (Ord. 1163 §1(part), 1995).

10.32.030 Bicycle helmet required.

(a) Any person riding a bicycle, in or upon any public area within the corporate limits of the Town of Steilacoom 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) A parent or guardian is responsible for requiring that a child under the age of 16 years complies with the provisions of subsection (a) of this section while upon a bicycle in motion, or while bicycling or riding as a passenger in an approved seat apparatus in any authorized area. (c) Failure of a parent or guardian to require a child under the age of 16 to comply with subsection (a) of this section may result in a citation being issued to said parent or guardian for a class III civil infraction. (Ord. 1163 §1(part), 1995)

10.32.040 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, 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 provisions of this chapter. (b) The person or organization managing a bicycle race, an organized event involving bicycling, or a bicycle tour, shall include the helmet requirement in any promotional brochure and on registration materials. (c) Failure of a person or organization managing any such event, race or tour to notify and require participants to wear a helmet during the event, race or tour may result in the issuance of a citation for a class III civil infraction to said person or organization. (Ord. 1163 §1(part), 1995).

10.32.050 Bicycle rental, lease or loan--Bicycle helmet required.

(a) Any person engaging in the business of renting, leasing, or loaning (i.e., "test ride") any bicycle for use in any area shall offer to the person(s) renting, leasing or using such bicycle(s), a helmet and further shall notify such persons of the requirement 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 or loaning any bicycle in the Town of Steilacoom must advise the person renting, leasing or using the bicycle of the helmet requirement of this chapter. (c) It is an affirmative defense to 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 an person or organization engaged in the business of renting, leasing, or loaning bicycles, and that the helmet was fastened while bicycling. (Ord. 1163 §1(part), 1995) 10-17

10.32.060 Helmet sales--Safety standards. (a) No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards 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. 1163 §1(part), 1995).

10.32.070 Enforcement and penalties.

(a) Any person or organization violating any of the provisions of this chapter shall have committed a Class III civil Infraction and shall be liable for monetary penalties as set forth in Chapter 7.80, RCW, not to exceed \$25.00 exclusive of statutory assessments. (b) Any duly commissioned law enforcement officer having law enforcement authority at the place where a violation of this chapter occurs is authorized to enforce the provisions of this chapter (c) Each occurrence of a child under 16 violating the requirements of this chapter shall represent a separate violation. (d) Each rental, lease or use and event, tour, or race participant in violation of the requirements of this chapter shall constitute a separate violation. (e) The first time a person has been issued a notice of infraction for violation of this chapter, if such person appears in person before the court and supplies the court with proof that between the date of the notice of infraction and the appearance date in court, the person purchased a helmet that meets the requirements of this chapter, the court shall dismiss the notice of infraction, without costs. (f) The court may waive, reduce, or suspend the penalty and dismiss the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year after the first court appearance for a violation, and provided proof that he/she has acquired a helmet. (g) Whenever a monetary penalty is imposed by a court under this section, it is payable within 15 days. If the person is unable to pay at the time the penalty is imposed, the court may grant an extension of the period in which the penalty may be paid. (h) The court may waive, reduce or suspend the monetary penalty prescribed herein, and may impose such conditions on any waiver, reduction or suspension as it deems

just. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour. (Ord. 1163 §1(part), 1995).