

## **Chapter 11.30 BICYCLE, SKATEBOARD, ROLLER SKATES, AND SCOOTER HELMETS**

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### **11.30.010 Purpose and policy.**

A. This chapter is enacted as an exercise of the authority of the City of Tacoma to protect and preserve the public health 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 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 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 Tacoma, or its officers or employees, or the Metropolitan Park District of Tacoma, or 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 Tacoma, 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 Tacoma by its officers, employees, or agents. (Ord. 26885 § 1; passed Dec. 4, 2001; Ord. 25507 § 1; passed Jun. 7, 1994)

### **11.30.020 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated, unless every 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 (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. B. "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. C. "Helmet" means a head covering that meets or exceeds safety standards of the Consumer Product Safety Commission, 15 USCS § 6004, or the Snell Foundation, or such subsequent nationally recognized standard for bicycle, skateboard, roller skate, or scooter helmet performance as the City Council may adopt. D. "Public area" means public roadways, bicycle paths, parks, or any right-of-way or publicly owned facility under the jurisdiction of the City of Tacoma. E. "Roller skates" means a pair of shoes or boots mounted upon two sets of wheels, or mounted upon three or more sets of wheels located one behind the other under the attached shoe or boot, and is most often propelled by the user in an upright, standing position. F. "Scooter" means a footboard mounted upon two or more wheels, controlled by an upright steering handle, and is most

often propelled by the user usually in an upright position or kneeling G. "Skateboard" means a board of any material with wheels affixed to the underside, designed to be ridden by a person. (Ord. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994) Tacoma Municipal Code (Revised 1/2018) 11-72 City Clerk's Office

**11.30.030 Helmet required.**

A. Any person bicycling, skateboarding, roller-skating, riding a scooter, or riding as a bicycle passenger on or in tow of a bicycle, skateboard, roller skater, or scooter, upon any public area in the City of Tacoma shall wear an approved helmet designed for safety that meets or exceeds the standards adopted in TMC 11.30.020.C and shall have either the neck or chin strap of the helmet fastened securely while the bicycle, skateboard, roller skates, or scooter is in motion. B. No person shall transport another person on or in tow of a bicycle, skateboard, roller skates, or scooter upon any public area in the jurisdiction of the City of Tacoma, unless the passenger is wearing a helmet that meets the requirements of this chapter. C. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved helmet while bicycling, skateboarding, roller-skating, riding a scooter, or riding as a passenger on a bicycle, skateboard, roller skates, or scooter, in any public area in the City of Tacoma, and has the neck or chin strap of the helmet fastened securely. (Ord. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994)

**11.30.040 Bicycle, skateboard, roller skate, scooter races, and events – Helmet required.**

A. Any person managing a bicycle, skateboard, roller skate, or scooter race, an organized event involving bicycling, skateboarding, roller-skating, riding a scooter, or a bicycle tour in the public areas of the City of Tacoma shall require that all participants on or in tow of bicycles, skateboards, roller skates, or scooters, wear approved helmets. B. The person managing any such event shall include the helmet requirement in any promotional brochures and on registration materials. (Ord. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994)

**11.30.050 Bicycle, skateboard, roller skates, and scooter leasing or loan – Helmet required.**

A. Any person engaging in the business of renting or loaning (e.g., a test drive) any bicycle, skateboard, roller skates, or scooter for use in any public place in the City of Tacoma shall supply the persons leasing or using bicycles, skateboards, roller skates, or scooters with approved helmets as defined herein, along with the bicycles, skateboards, roller skates, or scooter, unless the bicycle, skateboard, roller skates, or scooter riders and passengers possess approved helmets of their own, and offer proof thereof, for use with the bicycle, skateboard, roller skates, or scooter. B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle, skateboard, roller skates, or scooter of the helmet requirements of this chapter. C. It is a defense to this section for a person wearing an unapproved helmet that the helmet was furnished in conjunction with his or her lease of a bicycle, skateboard, roller skates, or scooter by a person engaged in the business of renting bicycles, skateboards, roller skates, or scooters, and that the helmet was fastened securely while bicycling, skateboarding, roller-skating, or riding a scooter. (Ord. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994)

**11.30.060 Helmet sales – Safety standards.**

A. No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards of the Consumer Product Safety Commission, 15 USCS § 6004, or the Snell Foundation, or such subsequent nationally recognized standard for helmet performance as the City of Tacoma may adopt. 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. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994)

11.30.070 Penalties – Civil nontraffic violations. A. Any person, including a parent or guardian, violating any of the provisions of this chapter shall have committed a civil nontraffic violation and shall be liable for a monetary penalty not to exceed \$25.00. B. 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 helmet at the time of appearance in court. C. Each child under 18 years of age not meeting the requirements of TMC 11.30.030 shall represent a separate violation. D. Each rental and each event under TMC 11.30.040 shall be a separate violation. (Ord. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994) Tacoma Municipal Code City Clerk’s Office 11-73 (Revised 1/2018)

**11.30.080 Enforcement.**

A. The City of Tacoma Police Department shall be responsible for enforcing 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, or renting bicycles, skateboards, roller skates, or scooters, or selling sporting or recreation equipment to determine compliance with this chapter 2. Post notice outside the premises of the business that offers for sale, rent, or other public use, bicycle, skateboard, roller skates, or scooter helmets that do not meet the safety standards of this chapter, so that the public is informed; and 3. Stop a bicycle, skateboard, roller skate, and scooter race; an organized event involving bicycling, skateboarding, roller-skating, riding a scooter; 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. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994)

**11.30.090 Information and education.**

A. Information and the need for bicycle, skateboard, roller skates, and scooter helmets; safe helmet use; safe bicycle, skateboard, roller skates, and scooter operation; and existing bicycle, skateboard, roller skates, and scooter safety programs are available at the City of Tacoma Police Department and Fire Department. B. The City of Tacoma encourages any person engaging in the business of selling bicycles, skateboards, roller skates, and scooters to include information on bicycle, skateboard, roller skates, and scooter safety and the helmet requirements of this chapter with each bicycle, skateboard, roller skates, and scooter sold. C. The City of Tacoma encourages any person engaging in the business of selling bicycle, skateboard, roller skates, and scooter helmets to include information on safe helmet usage with each helmet sold. (Ord. 26885 § 1; passed Dec. 4, 2001: Ord. 25507 § 1; passed Jun. 7, 1994)