

Ord. No. 2674 §1, 3-12-2002]

A.

Every person operating or being a passenger on a bicycle or using in-line skates, roller skates, skateboards or scooters or any other similar two- or four-wheeled recreational devices upon any highway, roadway, alleyway or public right-of-way within the City limits of the City of Town and Country shall wear a bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

B.

"Bicycle helmet" shall be defined as a piece of headgear which meets or exceeds the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission Federal safety standards, those developed by the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM).

C.

No parent, custodian or legal guardian of a person age sixteen (16) and under shall knowingly permit said person:

1.

To operate or be a passenger on a bicycle operated upon any highway, roadway, alleyway or public right-of-way within the City limits of the City of Town and Country without wearing a helmet as required by this Section, or

2.

To use in-line skates, roller skates, skateboards or scooters upon any highway, roadway, alleyway or public right-of-way within the City limits of the City of Town and Country without wearing a bicycle helmet as defined in this Section.

D.

No person operating a bicycle upon any highway, roadway, alleyway or public right-of-way within the City limits of the City of Town and Country shall allow anyone who is four (4) years old or younger to ride as a passenger on the bicycle other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's moving parts.

E.

Any operator or passenger, as defined in this Section, found to be in violation of this Section may be issued an equipment violation notice as prescribed on a Missouri Uniform Complaint and Summons. Every violation of any provision of this Section shall be punishable by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00); provided however, that any person responsible for payment of the violation of

this Section may have the violation dismissed, if the person submits a receipt for a proof of purchase of a bicycle helmet along with the helmet to the Town and Country Police Department within fourteen (14) calendar days of the date of the violation notice. An affidavit of helmet ownership shall be accepted in lieu of a receipt of helmet purchase. The right to a dismissal as stated herein shall be applicable only to those persons who receive or are responsible for a first (1st) violation of this Section.

F.

Fines assessed to juvenile violators (age sixteen (16) and under) will be the legal responsibility of the violator's parent, custodian or legal guardian and therefore any summons issued as a result of a violation committed by such a juvenile shall be issued to said violator's parent, custodian or legal guardian.

Section 375.110 Penalty For Violation.

Any person seventeen (17) years of age or older who violates any provision of this Article, is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen (17) years of age violates any provision of this Article in the presence of a Peace Officer possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of counties or municipalities of the State, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.