

Ordinance No. 00096

[Council Minutes 96/10/07](#)

ORDINANCE NO. 96

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AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating and establishing a new Chapter 10.22 of the Lakewood Municipal Code providing for bicycle helmet regulation

WHEREAS, over the last few years, substantial medical data has been accumulated identifying the serious consequences resulting from head injuries involving bicycle accidents; and,

WHEREAS, a significant number of bicycle accident head injuries could have been avoided or lessened had the bicycle operator been wearing an approved bicycle helmet; and,

WHEREAS, for these reasons, a number of municipal jurisdictions across the country have been developing and enforcing requirements for people riding bicycles to wear approved helmets, including such requirements in Pierce County and in King County; and,

WHEREAS, it is appropriate for the City Council of the City of Lakewood to consider similar legislation to apply in the City of Lakewood.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That a new Chapter 10.22 of the Lakewood Municipal Code be, and the same hereby is, created and established to read as follows:

Chapter 10.22

BICYCLE HELMETS

Sections:

10.22.010 Definitions.

10.22.020 Bicycle Helmet Required.

10.22.030 Bicycle Races and Events B Bicycle Helmet Required.

10.22.040 Bicycle Leasing or Loan -- Bicycle Helmet Required.

10.22.050 Helmet Sales B Safety Standards.10.22.060 Penalties B Traffic Infraction.

10.22.070 Enforcement.

10.22.080 Information and Education.

10.22.010 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

A. ABicycle@ means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels, either of which is twelve inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter (RCW 46.04.071). Within this chapter, the term Abicycle@ shall include any attached trailers, side cars, and/or other device being towed by a bicycle.

B. AGuardian@ 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 eighteen years.C.

AGuardian@ 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 eighteen years.C. AHelmet@ means a head covering that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequent nationally-recognized standard for bicycle helmet performance as the City may adopt.D. APublic area@ means public streets, bicycle paths, parks, or any right-of-way or publicly-owned facility under the jurisdiction of the City.

10.22.020 Bicycle Helmet Required.

A. Any person bicycling or riding as a bicycle passenger on or in tow of a bicycle upon any public area in the City shall wear an approved bicycle helmet designed for safety that meets or exceeds the standards adopted in Section 10.22.010 C., and shall have either the neck or chin strap of the helmet fastened securely while the bicycle is in motion.

B. No person shall transport another person on or in tow of a bicycle upon any public area in the jurisdiction of the City, 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 sixteen years wears an approved bicycle helmet while bicycling or riding as a passenger on a bicycle in any public area in the City, and has the neck or chin strap of the helmet fastened securely.

10.22.030 Bicycle Races and Events B Bicycle Helmet Required.

A. Any person managing a bicycle race, an organized event involving bicycling, or a bicycle tour in the public areas of the City shall require that all participants on or in tow of bicycles wear approved bicycle helmets.

B. The person managing any such event shall include the bicycle helmet requirement in any promotional brochures and on registration materials.

10.22.040 Bicycle Leasing or Loan B Bicycle Helmet Required.A. Any person engaging in the business of renting or loaning (e.g. Aa test drive@) any bicycle for use in any public place in the City shall supply the persons leasing or using bicycles with approved bicycle helmets as defined herein, along with the bicycles, unless the bicycle riders and passengers possess approved bicycle helmets of their own, and offer proof thereof, for use with the bicycle.

B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle of the bicycle helmet requirements of this Chapter.

C. It is a defense to this Section for a person wearing an unapproved bicycle helmet that the helmet was furnished in conjunction with his or her lease of a bicycle by a person engaged in the business of renting bicycles, and that the helmet was

fastened securely while bicycling.

10.22.050 Helmet Sales B Safety Standards.

A. No person shall sell or offer for sale a bicycle helmet that does not meet or exceed the safety standards set by the American National Standards Institute (ANSI) Standard Z-90.4, or the Snell Foundation, or such subsequent nationally-recognized standard for bicycle helmet performance as the City may adopt.

B. It is a defense that the sale or offer for sale was an isolated sale of use 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.

10.22.060 Penalties B Traffic Infraction.

A. Any person violating any of the provisions of this Chapter shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in RCW 46.63, 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 bicycle helmet at the time of appearance in Court.

C. Each child under sixteen not meeting the requirements of Section 10.22.020 shall represent a separate violation.

D. Each rental and each event under Section 10.22.040 shall be a separate violation.

10.22.070 Enforcement.

A. The law enforcement agency of the City shall be responsible to enforce 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 or selling sporting or recreation equipment, to determine compliance with this Chapter;

2. Post notice outside the premises of a business that offers for sale, rent, or other public use, bicycle helmets that do not meet the safety standards of this Chapter, so that the public is informed; and

3. Stop a bicycle race, an organized event involving bicycling, 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.

10.22.080 Information and Education.

A. Information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and existing bicycle safety programs is available at City Hall.

B. The City encourages any person engaging in the business of selling bicycles to include information on bicycle safety and the bicycle helmet requirements of this Chapter with each bicycle sold.

C. The City encourages any person engaging in the business of selling bicycle helmets to include information on safe helmet usage with each helmet sold.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 7th day of October, 1996.

CITY OF LAKEWOOD

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Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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B. No person shall transport another person on or in tow of a bicycle upon any public area in the jurisdiction of the City, unless the passenger is wearing a helmet that meets the requirements of this Chapter.

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B. The person managing any such event shall include the bicycle helmet requirement in any promotional brochures and on registration materials.

10.22.040 Bicycle Leasing or Loan B Bicycle Helmet Required. A. Any person engaging in the business of renting or loaning (e.g. test drive) any bicycle for use in any public place in the City shall supply the persons leasing or using bicycles with approved bicycle helmets as defined herein, along with the bicycles, unless the bicycle riders and passengers possess approved bicycle helmets of their own, and offer proof thereof, for use with the bicycle.

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C. It is a defense to this Section for a person wearing an unapproved bicycle helmet that the helmet was furnished in conjunction with his or her lease of a bicycle by a person engaged in the business of renting bicycles, and that the helmet was fastened securely while bicycling.

10.22.050 Helmet Sales B Safety Standards.

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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 bicycle helmet at the time of appearance in Court.

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A. The law enforcement agency of the City shall be responsible to enforce the provisions of this Chapter.

B. For the purpose of this Chapter, law enforcement officers may at their discretion:

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2. Post notice outside the premises of a business that offers for sale, rent, or other public use, bicycle helmets that do not meet the safety standards of this Chapter, so that the public is informed; and
3. Stop a bicycle race, an organized event involving bicycling, 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.

10.22.080 Information and Education.

A. Information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and existing bicycle safety programs is available at City Hall.

B. The City encourages any person engaging in the business of selling bicycles to include information on bicycle safety and the bicycle helmet requirements of this Chapter with each bicycle sold.

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Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

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10.22.060 Penalties B Traffic Infraction.

A. Any person violating any of the provisions of this Chapter shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in RCW 46.63, 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 bicycle helmet at the time of appearance in Court.

C. Each child under sixteen not meeting the requirements of Section 10.22.020 shall represent a separate violation.

D. Each rental and each event under Section 10.22.040 shall be a separate violation.

10.22.070 Enforcement.

A. The law enforcement agency of the City shall be responsible to enforce 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 or selling sporting or recreation equipment, to determine compliance with this Chapter;
2. Post notice outside the premises of a business that offers for sale, rent, or other public use, bicycle helmets that do not meet the safety standards of this Chapter, so that the public is informed; and
3. Stop a bicycle race, an organized event involving bicycling, 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.

10.22.080 Information and Education.

A. Information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and existing bicycle safety programs is available at City Hall.

B. The City encourages any person engaging in the business of selling bicycles to include information on bicycle safety and the bicycle helmet requirements of this Chapter with each bicycle sold.

C. The City encourages any person engaging in the business of selling bicycle helmets to include information on safe helmet usage with each helmet sold.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 7th day of October, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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