

## ORDINANCE NO. 05-0242

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ADDING A NEW CHAPTER 10.22 TO THE EDGEWOOD MUNICIPAL CODE TO REGULATE THE USE OF BICYCLE HELMETS WITHIN THE CITY LIMITS; AND TO ESTABLISH A PENALTY FOR VIOLATIONS.**

**WHEREAS**, bicycling is increasing in popularity as a form of recreation and as an alternative mode of transportation; and

**WHEREAS**, head injuries are a major cause of death and disability associated with the operation of a bicycle on public roadways and bicycle paths. In 1989-90 there were 1,103 bicycle crashes which resulted in hospitalization (1,072) or death (31) in Washington State. Head injury is the single most common type of injury sustained from bicycle crashes, 34% of the hospitalizations and 77% of the deaths from bicycle crashes were head injuries; and

**WHEREAS**, bicycle helmets have been shown to be an effective deterrent to head injuries suffered by bicycle riders during a crash. A landmark study completed in 1989 by investigators at Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and Research Center shows that helmet use reduces the number of head injuries involving bicycling by 85%. However, in most communities, less than 2% of the children wear helmets; and

**WHEREAS**, it has been demonstrated that educational and promotional efforts have increased bicycle helmet use in some communities from 2% to 38%; however, regulations requiring the use of bicycle helmets are the most effective approach to gaining compliance, thereby reducing the number and severity of head injuries resulting from bicycle crashes; and

**WHEREAS**, the City Council acknowledges that by enforcing safety regulations, the City will be reinforcing its educational programs on safety, and the City Council finds it appropriate for the health, safety and welfare of its citizens to require bicycle users and riders to wear protective helmets and the establish programs for public education of such safety measures.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Bicycle Helmets.** A new Chapter 10.22 entitled "Bicycle Helmets" is hereby added to the Edgewood Municipal Code to read as follows:

#### **BICYCLE HELMETS**

##### **Sections:**

**10.22.010 Definitions.**

**10.22.020 Approved Helmet Required.**

**10.22.030 Races and Events - Approved Helmet Required.**

**10.22.040 Leasing or Loan - Approved Helmet Required.**

**10.22.050 Helmet Sales - Safety Standards.**

**10.22.060 Penalties - Traffic Infraction.**

**10.22.070 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. "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, child seat and/or other device attached or being towed by a bicycle. For the purpose of this Chapter 10.22, the term bicycle shall include electric assisted bicycles as defined in EMC Section 10.22.010.G.
- 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. "Approved Helmet" 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 Council may adopt, which shall be worn over the head and equipped with either a neck or chin strap that shall be fastened securely while the vehicle is in motion.
- D. "Public Area" means public roadways, sidewalks, bicycle paths, parks, or any right-of-way or publicly-owned facility under the jurisdiction of the City of Edgewood.
- E. "Motorized Foot Scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood upon but may have a seat, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. "Motorized Foot Scooter" does not include a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle.
- F. "Pocket Bike"(such as "Pocket Rocket" and "Mini Motorcycles") means a motor-driven device that meets the definition of motorcycle set forth in RCW 46.44.050 as a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but does not meet one or more of the equipment requirements for operation on roadways, such as the minimum wheel base requirements set forth in RCW 46.44.050, minimum headlamp requirements sets forth in RCW 46.37.525, minimum tail lamp height requirements set forth in RCW 46.37.525; mirror requirements set forth in RCW 46.37.400; and tire composition requirements set forth in RCW 46.37.420, and the requirement for a conforming 17-digit vehicle identification number (VIN) indicating compliance with Federal Motor Vehicle Safety Standards.
- G. "Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than one thousand watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour.

**10.22.020 Approved Helmet Required.**

- A. Any person bicycling, operating a motorized foot scooter or pocket bike; or riding as a passenger on a bicycle, motorized foot scooter or pocket bike; or in tow of a bicycle, motorized foot scooter or pocket bike, and within the public area of the City of Edgewood, shall wear an approved helmet while the bicycle is in motion.

- B. No person shall transport another person on or be in tow of a bicycle, motorized foot scooter or pocket bike upon any public area in the jurisdiction of the City of Edgewood, unless the passenger is wearing an approved helmet.
- C. A parent or guardian is responsible for requiring that a child under the age of 16 years wears an approved helmet while bicycling, operating a motorized foot scooter or pocket bike; or riding as a passenger on a bicycle, motorized foot scooter or pocket bike; or in tow of a bicycle, motorized foot scooter or pocket bike, and within the public area of the City of Edgewood.

**10.22.030 Races and Events - Approved Helmet Required.**

- A. Any person managing a race, an organized event or tour in the public areas of the City of Edgewood shall require that all participants on, operating or in tow of bicycles, motorized foot scooters or pocket bikes, wear an approved helmet.
- B. The person managing any such event shall include the approved helmet requirement in any promotional brochures and on registration materials.

**10.22.040 Leasing or Loan - Approved Helmet Required.**

- A. Any person engaging in the business of renting or loaning (e.g. "a test drive") any bicycle, motorized foot scooter, or pocket bike for use in any public place in the City of Edgewood shall supply the persons using or leasing an approved helmet as defined herein, unless the riders and passengers possess approved helmets of their own, and offer proof thereof, for use with the bicycle, motorized foot scooter or pocket bike.
- B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle, motorized foot scooter, or pocket bike of the approved 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, motorized foot scooter, or pocket bike by a person engaged in the business of renting bicycles, motorized foot scooters, or pocket bikes and that the helmet was fastened securely while riding.

**10.22.050 Helmet Sales - Safety Standards.**

- A. No person shall sell or offer for sale a bicycle helmet that does not meet or exceed the safety standards set forth for approved helmets in EMC 10.22.010.C.
- B. It is a defense to EMC 10.22.050.A 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.

**10.22.060 Penalties - Traffic Infraction.**

- A. Any person violating any of the provisions of this Chapter shall be guilty of an infraction and shall be liable for monetary penalties 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. Parents and guardians shall be liable for a separate offense for each child under 16 under their responsibility found to be in violation of EMC 10.22.020.
- D. Any person found to be in violation of EMC 10.22.040 shall be liable for each violation as a separate offense.

**10.22.070 Information and Education.**

- A. Information about the need for approved helmets, safe helmet use, safe bicycle, motorized foot scooter or pocket bike operation, and existing bicycle safety programs is available at the Edgewood City Hall.
- B. The City of Edgewood encourages any person engaging in the business of selling bicycles, motorized foot scooters or pocket bikes to include information on safety and approved helmet requirements of this Chapter with each bicycle, motorized foot scooter or pocket bike sold.
- C. The City of Edgewood 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 section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3. Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**Presented to Council for First Reading on February 8, 2005. (*Pending Business*)**  
**Presented to Council for First Reading on March 8, 2005.**  
**Presented to Council for Second Reading on March 22, 2005.**

**ADOPTED BY THE CITY COUNCIL ON THE \_\_\_ DAY OF \_\_\_\_\_, 2005**

\_\_\_\_\_  
Mayor William D. Evans

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
Terri Berry, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

Date of Publication: March 31, 2005

Effective Date: April 5, 2005