

ORDINANCE NO. 424

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 10.25 BICYCLE, SKATEBOARD, ROLLER SKATES, AND SCOOTER HELMETS TO THE UNIVERSITY PLACE MUNICIPAL CODE BY EXPANDING PARENTAL LIABILITY, CHARGING MANDATORY COURT ASSESSMENTS, AND AMENDING PENALTY SUSPENSION REQUIREMENTS.

WHEREAS, the City of University Place Council finds that there is an increase in the use of skateboards, roller skates, bicycles, and of both motorized and non-motorized scooters in the City; and

WHEREAS, the City Council amended Chapter 10.25 on April 19, 2004 in order to require helmets for all persons operating such devices and to strengthen and standardize helmet regulations to protect the public health, safety and welfare of the citizens of University Place; and

WHEREAS, the Court Administrator for Pierce County District Court One, upon further review, made subsequent suggestions to improve the ordinance;

NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amending Chapter 10.25 Bicycles to the University Place Municipal Code.

Chapter 10.25 to the University Place Municipal Code is hereby amended and shall read as follows:

**Chapter 10.25
BICYCLE, SKATEBOARD, ROLLER SKATES,
AND SCOOTER HELMETS**

Sections:

- 10.25.010 Purpose and policy.
- 10.25.020 Definitions.
- 10.25.030 Helmet required.
- 10.25.040 Bicycle, skateboard, roller skates, scooter races, and events – Helmet required.
- 10.25.050 Bicycle, skateboard, roller skates, and scooter leasing or loan – Helmet required.
- 10.25.060 Penalties - Civil non-traffic violations.
- 10.25.070 Enforcement.

10.25.010 Purpose and policy.

A. This chapter is enacted as an exercise of the authority of the City of University Place 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 University Place, or its officers or

employees, including members of its contracted Police Department, 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 University Place, 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 University Place by its officers, employees, or agents.

10.25.020 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 nationally recognized standard for bicycle, skateboard, roller skate, or scooter helmet performance as the City Council may subsequently 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 University Place.

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 propelled by the user usually in an upright position or kneeling. "Scooter" includes a footboard mounted upon two or more wheels controlled by an upright steering handle that is propelled by an engine.

G. "Skateboard" means a board of any material with wheels affixed to the underside, designed to be ridden by a person.

10.25.030 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 University Place shall wear an approved helmet designed for safety that meets or exceeds the standards adopted in this chapter 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 University Place, 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 16 years wears a bicycle helmet while bicycling, riding as a passenger or in tow of a bicycle or while skateboarding, roller-skating, or riding a scooter, while riding as a passenger on a bicycle or in any public area in the City of University Place, and has the neck or chin strap of the helmet fastened securely.

**10.25.040 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 University Place 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.

**10.25.050 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 University Place 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.

10.25.060 Penalties – Civil nontraffic infractions.

A. Any person violating any of the provisions of this chapter shall have committed a civil non-traffic infraction and shall be liable for a monetary penalty not to exceed twenty-five dollars (\$25.00) plus any mandatory court assessments.

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 rental and each event under UPMC 10.25.040 shall be a separate violation.

10.25.070 Enforcement.

A. The City of University Place Police Department may 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, skateboards, roller skates, or scooters to determine compliance with this chapter.
2. Post notice outside the premises of the business that offers for rent 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.
4. Stop any person for a violation of this chapter.

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

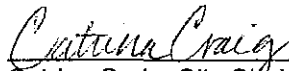
Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON JULY 19, 2004.




Ken Grassi, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Jahean Polkinghorn, Acting City Attorney

Published: July 21, 2004

Effective Date: July 26, 2004