

ORDINANCE NO. 108

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, REQUIRING BICYCLISTS TO WEAR A
BICYCLE HELMET AND ESTABLISHING PENALTIES FOR
FAILURE TO WEAR OR PROVIDE A BICYCLE HELMET.**

Section 1. Definitions. As used in this Chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

"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 sixteen 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 "bicycle" shall include any attached trailers, side cars, and/or other device being towed by a bicycle.

"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 eighteen years.

"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.

Section 2. 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 of University Place shall wear a bicycle helmet 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 of University Place, unless the passenger is wearing a helmet.

C. A parent or guardian is responsible for requiring that a child under the age of sixteen years wears a bicycle helmet while bicycling or riding as a passenger on a bicycle in any public area in the City of University Place, and has the neck or chin strap of the helmet fastened securely.

Section 3. Bicycle Races and Events -- 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 of University Place shall require that all participants on or in tow of bicycles wear a bicycle helmet.

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

Section 4. Bicycle Leasing or Loan -- Bicycle Helmet Required

A. Any person engaging in the business of renting or loaning (e.g. "a test drive") any bicycle for use in any public place in the City of University Place shall supply the persons leasing or using bicycles with bicycle helmets, along with the bicycles, unless the bicycle riders and passengers possess bicycle helmets of their own 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 Ordinance.

Section 5. Penalties -- Traffic Infraction.

A. Effective January 1, 1997, any person violating any of the provisions of this Ordinance 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 Ordinance within one year, and provides proof that he or she has acquired a bicycle helmet at the time of appearance in Court.


C. Each child under sixteen not meeting the requirements of Section 2 of this Ordinance shall represent a separate violation.

D. Each rental and each event under Section 4 of this Ordinance shall be a separate violation.

Section 6. 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 7. 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 days after its publication.


PASSED BY THE CITY COUNCIL ON JULY 1, 1996.


Ronald L. Williams, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Published: 07-03-96
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