

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 05-785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, REGARDING THE USE OF BICYCLE HELMETS, AND ADDING A NEW CHAPTER 8.26 AND NEW SECTIONS 8.26.010, 8.26.020, 8.26.030, 8.26.040, 8.26.050, 8.26.060 AND 8.26.070 TO THE BLACK DIAMOND MUNICIPAL CODE

WHEREAS, the increased popularity of bicycling exists as a form of recreation and as an alternative form of transportation, and

WHEREAS, bicycle helmets have been shown to be an effective deterrent to head injuries suffered by bicycle riders during a crash; and

WHEREAS, the Council finds that in order to maintain safety, protect the public health and welfare of our citizens and prevent serious injuries, the adoption of an ordinance mandating the wearing of an approved bicycle helmet by a child, while operating a bicycle in the City of Black Diamond is appropriate; now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 8.26 is hereby added to the Black Diamond Municipal Code and it is entitled "Bicycle Helmets."

Section 2. A new section 8.26.010 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Purpose and policy declared.

It is the specific intent of this chapter to place the obligation of complying with its terms upon any person falling within its scope. No provision of this chapter is intended to impose any duty upon the City of Black Diamond or any of its officers, employees, or agents for any damage or injury resulting from the failure of a person to comply with this chapter. Implementation and enforcement of this chapter by the City of Black Diamond and its officers or employees shall be discretionary and not mandatory. This chapter is not intended to form the basis for liability of the City of Black Diamond, or any its officers, employees, or agents, in the even that a person is injured or property is damaged as a result of the failure of any person to comply with its terms.

Section 3. A new section 8.26.020 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

A. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two (2) tandem wheels, either of which is eight (8) inches or more in diameter, or three (3) wheels, any one of which is more than twenty (20) inches in diameter. The term "bicycle" shall include any child-seat, trailer, sidecar, or other device attached to a bicycle.

B. "Guardian" means a person legally responsible for the care and management of a person under the age of eighteen (18). "Guardian" shall include the parent, a person with legal custody, a person with temporary custody, or a person who is temporarily caring for the child.

C. "Child" means a person under the age of eighteen (18).

D. "Approved bicycle helmet" means a head covering designed to protect the head that meets or exceeds the requirements of standard Z-90.4 set by the American National Standard Institute (ANSI) or the Snell Foundation, or a subsequent nationally recognized standard for helmet performance as the City may adopt.

E. "Public area" means the public roadways, sidewalks, bicycle paths, parks, public property, public rights-of-way, and publicly owned facilities within the city limits of the City of Black Diamond.

Section 4. A new section 8.26.030 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Bicycle Helmet required.

A. Any person under the age of 18 riding a bicycle, including a passenger on a bicycle or a person in tow of a bicycle, upon any public area, shall wear an approved bicycle helmet, which shall be worn over the head and equipped with either a neck or chin strap that shall be fastened securely while the bicycle is in motion.

B. The guardian of a child is responsible for requiring that the child under his or her care wears an approved bicycle helmet while bicycling, or riding

as a passenger on a bicycle or in tow of a bicycle, in any public area, and that the child has the neck or chin strap of the helmet fastened securely. Each child not wearing a secured strap shall be considered a separate offense chargeable to the parent or guardian.

Section 5. A new section 8.26.040 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Minors – Guardian’s responsibility. The guardian of a person under the age of 16 years shall not knowingly allow, or fail to take reasonable steps, to prevent that person from operating or riding on a bicycle or other cycle not powered by a motor on a public highway, bicycle path or any right-of-way or publicly owned facilities under the jurisdiction of the City of Black Diamond, unless that person is wearing an approved bicycle helmet fastened securely.

Section 6. A new section 8.26.050 is hereby added to the Black Diamond Municipal Code which shall read as follows:

Infraction – Dismissal following helmet purchase.

The first time a person has been issued a notice of infraction for violation of this chapter, if such person appears in person before the court and supplies the court with proof that between the date of notice of infraction and the appearance date in court the person has purchased a helmet that meets the requirements of this chapter, the court shall dismiss the notice of infraction without cost.

Section 7. A new section 8.26.060 is hereby added to the Black Diamond Municipal Code which shall read as follows:

No person shall ride a bicycle or human propelled scooter upon the bicycle track, unless that person is properly wearing an approved helmet that is fastened securely.

Section 8. A new section 8.26.070 is hereby added to the Black Diamond Municipal Code which shall read as follows:

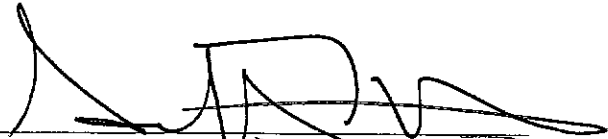
Violation – Penalty

Any person violating the provisions of this section of the BDMC (Black Diamond Municipal Court) shall be guilty of a civil infraction, and conviction thereof, shall be punished by imposition of a monetary penalty of not more than \$75.00. Community service hours may be imposed in addition to or in lieu of monetary penalties.

Section 9. This ordinance shall be in full force and effect five days after its passage, approval, posting and publication in summary form as provided by law.

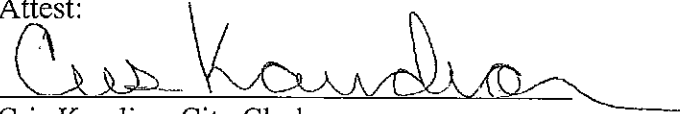
Introduced the 19th day of May, 2005.

Passed by a majority of the City Council at a meeting held on the 19th day of May, 2005.



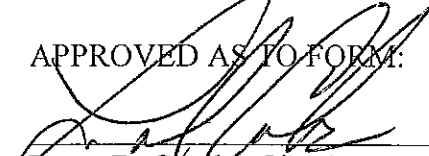
Mayor Howard Botts ~~Protem Bowie~~

Attest:



Cris Kandior, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

Published: 5/31/05
Posted: 5/28/05
Effective Date: 6-5-05