

ORDINANCE # 316

**AN ORDINANCE REQUIRING THE USE OF A
PROTECTIVE BICYCLE HELMET FOR ANY PERSON
UNDER FIFTEEN YEARS OF AGE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANNINGTON:

The purpose of this ordinance is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that while riding on a bicycle on public roads, public bicycle paths and other public rights-of-way of this city, all bicycle operators and passengers under fifteen years of age wear approved protective bicycle helmets.

Section 1. Definitions:

As used in this article:

- (a) "Bicycle means a human-powered vehicle with wheels designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. Such term also includes a human-powered vehicle, and any attachment to such vehicle designed to transport by pedaling when the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include a tricycle.
- (b) "Tricycle" means a three-wheeled human-powered vehicle designed for use as a toy by a single child under the age of six years, the seat of which is no

more than two feet from ground level.

- (c) "Public roadway" means a right-of-way under the jurisdiction and control of this state or a local political subdivision thereof for use primarily by bicycles and pedestrians.
- (d) "Public bicycle path" means a right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this state or a local political subdivision thereof and is designed for use and used by vehicular or pedestrian traffic.
- (e) "Other public right-of-way" means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this state or a local political subdivision thereof and is designed for use and used by vehicular or pedestrian traffic.
- (f) "Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation's standards for protective headgear or American Society For Testing And Materials (ASTM) for use in bicycling.
- (g) "Passenger" means any person who travels on a bicycle in any manner except as an operator.
- (h) "Operator" means a person who travels on a bicycle seated on a saddle seat from which that person is

intended to and can pedal the bicycle.

Section 2. Requirements for helmet use:

- (a) It is unlawful for any person under fifteen years of age to operate or be a passenger on a bicycle or any attachment to a bicycle used on a public roadway, public bicycle path or other public right-of-way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
- (b) It is unlawful for any parent or legal guardian of a person under fifteen years of age to knowingly permit such person to operate or be a passenger on a bicycle or on any attachment to a bicycle used on a public roadway, public bicycle path or other public right-of-way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

Section 3. Penalties:

- (a) Any parent or legal guardian violating any requirement of this ordinance shall be fined ten dollars or be required to perform two hours in community service related to a child injury prevention program which includes injury prevention education or both fined and required to perform such community service. Notwithstanding the provisions of

section one [§ 8-11-1], article eleven, chapter eight of the state code, no court costs may be assessed to any person violating the requirements of section two of this ordinance.

- (b) In the case of a first violation of section two of this ordinance, the court may waive the fine upon receipt of satisfactory proof that the person has a helmet or within a reasonable time from the date of the violation, purchased or otherwise obtained, a protective bicycle helmet.
- (c) It is an absolute defense to a charge for a violation of this ordinance that a parent or legal guardian is unable to pay for the protective bicycle helmet. Inability to pay may be demonstrated by the filing of a financial affidavit in accordance with the provisions of subsection (c), section one [§ 59-2-1(c)], article two, chapter fifty-nine of the state code. Any person who demonstrates inability to pay shall be referred to the governor's highway safety program for assistance in obtaining the appropriate helmet or helmets.

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MANNINGTON

THIS 6th DAY OF JANUARY, 1997

Debra Powell
MAYOR

ATTEST:

Michelle Fluharty
CITY CLERK

1ST READING: 12-16-96

2ND AND FINAL READING: 01-06-97