

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5411

AN ORDINANCE regarding the Bellevue Vehicles and Traffic Code; adding new section 11.60.090, Bicycle Helmets, to the Bellevue City Code.

WHEREAS, head injuries are a major cause of death and disability associated with the operation of a bicycle on public roadways and bike paths. Every year approximately 1000 Americans die of bicycle-related injuries with approximately 75% of those deaths due to head injuries. A significant number of individuals who survive head injuries don't return to a normal life and are often left with profound, disabling and long-lasting injuries; and

WHEREAS, bicycle helmets have been shown to be an effective deterrent to head injuries suffered by bicycle riders during a crash and educational and promotional efforts have increased helmet use, regulations requiring the use of bicycle helmets are necessary for safe operation of bicycles on City roadways, bicycle paths, sidewalks or any right-of-way or publicly owned facility under the City's jurisdiction; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new section Bellevue City Code 11.60.090, Bicycle Helmets, is hereby added to the Bellevue City Code to read as follows:

11.60.090 Bicycle Helmets.

A. Requirements regarding bicycle helmets.

1. Any person operating or riding on a bicycle or cycle not powered by motor on a public roadway, bicycle path, sidewalk or on any right of way or publicly owned facility under the jurisdiction of the City shall wear a protective helmet designed for bicycle safety. Such helmet shall meet or exceed the requirements of 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 may adopt. The helmet must be equipped with either a neck or chin strap that shall be fastened securely while the bicycle is in motion.

2. The parent or guardian of a person under the age of eighteen (18) years shall not knowingly allow, or fail to take reasonable steps to prevent, that person from operating or riding on a bicycle or any other cycle not powered by motor on a public roadway, bicycle path, sidewalk or on any right-of-way or publicly owned facilities under the jurisdiction of the City unless that person is wearing a helmet that meets the requirements of subsection 1 of this section.

3. No person shall transport another person upon a bicycle or any other cycle not powered by motor on a public roadway, bicycle path, sidewalk or on any right-of-way or publicly owned facility under the jurisdiction of the City, unless that other person is wearing a helmet that meets the requirements of subsection 1 of this section.

4. No person shall rent a bicycle or cycle not powered by motor for use by his or her self or another person on a public roadway, bicycle path, sidewalk or on any right-of-way or publicly owned facility under the jurisdiction of the City unless the renter affirms in writing under penalty of perjury that the person who will be riding the bicycle or cycle possesses a helmet that meets the requirements of subsection 1 of this section.

B. Enforcement.

1. A violation of this section is a civil infraction to which the provisions of RCW Chapter 7.80 shall apply, except as set forth hereafter.

2. Any duly commissioned law enforcement officer having law enforcement authority at the place where a violation of this section occurs is authorized to enforce the provisions of this section.

3. Any person found to have committed a violation of this section shall be assessed a monetary penalty of thirty dollars (\$30.00) for each such violation, not including applicable court costs.

4. The court may waive, reduce or suspend the monetary penalty prescribed herein, and may impose such conditions on any waiver, reduction or suspension as it deems just. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

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

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10/16/2002

Section 2. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

Passed by the City Council this 7th day of October, 2002, and signed in authentication of its passage this 7th day of October, 2002.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Susan R. Irwin, Prosecuting Attorney

Attest:

Myrna L. Basich, City Clerk

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