ORDINANCE NO. 3465

AN ORDINANCE of the City Council of the City of Kent, Washington, enacting a new Chapter 9.41 entitled “Bicycle Helmets” requiring any person riding a bicycle, including a passenger on a bicycle, to wear an approved bicycle helmet; requiring a child’s guardian to ensure that the child wears an approved bicycle helmet; requiring a person who organizes bicycling events to notify participants of the helmet requirement; requiring persons leasing or renting bicycles to provide approved bicycle helmets to those who lease or rent the bicycles; and requiring those who sell bicycle helmets to sell only those helmets that meet certain safety requirements.

WHEREAS, approximately nine hundred (900) people, including approximately two hundred (200) children, are killed annually in bicycle-related incidents, and about sixty percent (60%) of these deaths involve a head injury; and

WHEREAS, research indicates that the proper wearing of a helmet can reduce the risk of a head injury by up to eighty-five percent (85%); and

WHEREAS, the number of people who ride bicycles in the United States rose twenty percent (20%) from an estimated 66.9 million riders in 1991 to 80.5 million riders in 1998; and
WHEREAS, only eighteen percent (18%) of all bicycle riders in the United States wear a bicycle helmet all or most of the time; and

WHEREAS, requiring any person riding a bicycle, including a passenger on a bicycle or in tow of a bicycle, to wear an approved bicycle helmet will protect the health, safety, and general welfare of the public; NOW THEREFORE,

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

SECTION 1. A new chapter, Chapter 9.41 entitled “Bicycle Helmets” shall be added to Title 9 of the Kent City Code as follows:

CHAPTER 9.41 BICYCLE HELMETS

Sec. 9.41.010. Purpose and policy declared.

A. It is the express purpose of this chapter to provide for and to promote the health, safety, and welfare of the general public and not to create, 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.

B. 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 Kent 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 Kent 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 Kent, or any of its officers, employees, or agents in the event that a person is injured or property is damaged as a result of the failure of any person to comply with its terms.
Sec. 9.41.020. 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 tandem wheels, either of which is eight inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter. The term “bicycle” shall include any child-seat, trailer, side-car, or other device attached to a bicycle. A device meeting the definition of a bicycle shall be considered a bicycle notwithstanding the fact that training wheels are affixed to the device.

B. Guardian means a person legally responsible for the care and management of a person under the age of sixteen (16). 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 sixteen (16).

D. Approved bicycle helmet means a head covering designed to protect the head that meets or exceeds safety standards adopted by the United Stated Consumer Product Safety Commission (CPSC), the American National Standards Institute (ANSI), or the Snell Foundation.

E. Public area means the public roadways, sidewalks, bicycle paths, parks, public property, public right-of-ways, and publicly-owned facilities within the city limits of the City of Kent.

Sec. 9.41.030. Bicycle helmet required.

A. Any person 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 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 a bicycle or in tow of a bicycle upon any public area, unless the passenger is wearing an approved bicycle helmet. Each person transported in violation of this subsection shall be considered a separate offense chargeable to the person in control of the bicycle.
C. 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 an approved bicycle helmet in violation of this section shall be considered a separate offense chargeable to the parent or guardian.

D. It is a defense to this section for a person wearing an unapproved bicycle helmet that the helmet was furnished in conjunction with his or her lease of the bicycle by a person engaged in the business of leasing bicycles and that the helmet was fastened securely while bicycling.

Sec. 9.41.040. Bicycle races and events – Bicycle helmet required. The person managing, organizing, or promoting a bicycle race, tour, or event shall include notice of the bicycle helmet requirement on all promotional brochures and on all registration materials.

Sec. 9.41.050. Bicycle on lease or loan – Bicycle helmet to be provided.

A. Any person regularly engaged in the business of renting or loaning (e.g. “a test drive”) a bicycle for use in any public area shall have an approved bicycle helmet available, shall offer such helmet to the person renting or borrowing the bicycle, and shall retain proof that such person was offered the use of an approved bicycle helmet.

B. Each rental or lease in violation of this section shall constitute a separate offense.

Sec. 9.41.060. Helmet sales – Safety standards. No person who is regularly engaged in the selling of bicycle helmets shall sell or offer for sale a bicycle helmet that does not meet or exceed the safety standards approved in Section 9.41.020(D). Each sale in violation of this section shall constitute a separate offense.
Sec. 9.41.070. Enforcement.

A. Any person who violates any provision of this chapter shall have committed a traffic infraction punishable by a monetary penalty in the amount of $25.00.

B. In the event that a person is charged with a violation of section 9.41.030, the court may, upon proof that the person has not been cited with a previous violation of this chapter or a similar ordinance, and upon proof that the person has obtained an approved bicycle helmet and upon presentation of a receipt therefore, may dismiss the charge.

SECTION 2. – Severability. If any one or more section, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.
APPROVED: 7 day of July, 1999.
PUBLISHED: 9 day of July, 1999.

I hereby certify that this is a true copy of Ordinance No. 3465 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK,
DONNA SWAW, DEPUTY