

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 03-21

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, ADDING A
NEW SECTION 11.55 TO THE BUCKLEY MUNICIPAL CODE WHICH ESTABLISHES HELMET
REQUIREMENTS FOR BICYCLES AND OTHER WHEELED RECREATIONAL DEVICES**

WHEREAS, the City of Buckley desires to provide for and to promote the health, safety, and welfare of the general public by reducing the risk of traffic-related injuries and deaths among the users of bicycles and other wheeled devices; and

WHEREAS, research by the National Highway Traffic Safety Administration demonstrates that the use of helmets is an effective countermeasure to reduce injuries and improve traffic safety among both children and adults; and

WHEREAS, mandating the use of helmets will increase helmet use among the users and operators of bicycles and other wheeled devices, reduce the risk of traffic-related injuries and death, and thus will protect the health, safety and general welfare of the public;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS
FOLLOWS:**

Section 1.

A new code chapter is hereby established as follows:

Chapter 11.55 – HELMET REQUIREMENT

11.55.010 Purpose.

11.55.020 Definitions.

11.55.030 Helmet Required.

11.55.040 Races and Events.

11.55.050 Rentals.

11.55.060 Violation.

11.55.010 Purpose.

- A. This chapter is enacted as an exercise of the authority of the City of Buckley to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.
- B. It is the express purpose of this chapter to provide for and to promote the health and welfare of the general public and not to create or otherwise 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.

- C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person falling within this scope, and no provision of nor term used in this chapter is intended to impose any duty whatsoever upon the City of Buckley, or its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.
- D. Nothing contained in this chapter is intended to be, nor shall be, construed to create or to form the basis for a liability on the part of the City of Buckley, or its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City of Buckley by its officers, employees, or agents.

11.55.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

- A. "Bicycle" shall have the meaning as set forth in RCW 46.04.071, as currently enacted and hereafter amended. Within this chapter, the term "bicycle" shall also include any attached trailers, side cars, and/or other device being towed by a bicycle.
- B. "Electric personal assistive mobility device" (EPAMD) shall have the meaning as set forth in RCW 46.04.1695, as currently enacted and hereafter amended.
- C. "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 18 years.
- D. "Helmet" means a head covering that meets or exceeds safety standards adopted by 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 Council may adopt.
- E. "Motorized foot scooter" shall have the meaning as set forth in RCW 46.04.336, as currently enacted and hereafter amended.
- F. "Public area" means public roadways, bicycle paths, parks, trails, or any right-of-way, publicly-owned facility, or city-owned property under the jurisdiction of the City of Buckley.
- G. "Wheeled recreational device" means any wheeled recreational object designed to propel a person using that object, including roller skates, roller blades, skateboards, scooters, bicycles, motorized foot scooters, or electric personal assistive mobility devices, whether powered by gravity, hand, foot, pedal power, internal combustion or electric motor. For purposes of this chapter, "wheeled recreational device" does not include motorcycles (RCW 46.04.330), motor-driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304) or any other object the operation of which already requires a helmet under state law.

11.55.030 Helmet Required

A. Any person operating a wheeled recreational device upon any public area in the City of Buckley shall wear a helmet that meets or exceeds the standards adopted in BMC 11.55.010(D), and shall have either the neck or chin strap of the helmet fastened securely while in motion.

B. No person shall ride as a passenger or transport another person on or in tow of a wheeled recreational device upon any public area unless that person is wearing a helmet that meets the requirements of this chapter.

C. It is unlawful for any parent or guardian to authorize or knowingly permit any child under the age of 18 years to operate, or ride as a passenger on, a wheeled recreational device in violation of this chapter.

D. A person is exempt from the requirements to wear a helmet under this chapter, if wearing the helmet would violate a religious belief.

11.55.040 Races and Events

A. Any person or organization managing a race, an organized event, or tour involving wheeled recreational devices in any public area shall notify participants of the requirement to wear a helmet during the event, race, or tour, and such persons or organizations may reject participants who fail to comply with the provisions of this chapter.

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

11.55.050 Rentals

A. Any person or organization engaging in the business of renting or loaning (e.g. "a test drive") any wheeled recreational device for use in a public area shall supply any person leasing or using such device with a helmet that meet the requirements of this chapter, unless the person leasing or using such device shall have in his or her immediate possession a helmet of his or her own.

B. The rental papers (contract, agreement, or receipt) must advise the person renting any wheeled recreational device of the helmet requirements of this chapter.

C. It is a defense to this section for a person wearing an unapproved helmet that the helmet was furnished in conjunction with his or her lease by a person engaged in the business of renting or loaning wheeled recreational devices and that the helmet was fastened securely during the operation of such device.

11.55.060 Violation

A. Any person or organization violating any of the provisions of this chapter shall have committed a civil infraction and shall be liable for monetary penalties as follows:

1. A first offense is a class 4 civil infraction under RCW 7.80.120(1)(d) and shall be subject to the maximum penalty allowed thereunder and as hereinafter amended.

2. A second offense is a class 3 civil infraction under RCW 7.80.120(1)(c) and shall be subject to the maximum penalty allowed thereunder and as hereinafter amended.

3. A third or subsequent offense is a class 2 civil infraction under RCW 7.80.120(1)(b) and shall be subject to the maximum penalty allowed thereunder and as hereinafter amended.

With respect to any person under the age of 18 who operates a wheeled recreational device in violation of this chapter, in lieu of the penalty described above, any Buckley police officer may, at their discretion, issue a written notice of violation.

B. Each child under 18 not meeting the requirements of BMC 11.55.030(B) shall represent a separate violation.

C. Each rental under BMC 11.55.050 and each event under BMC 11.55.040 shall be a separate violation.

D. Whenever a court under this regulation imposes a monetary penalty, it is immediately payable. If the person is unable to pay at the time the penalty is imposed; the court may grant an extension of the period in which the penalty may be paid.

E. 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 to be determined by the court.

Section 2. Severability. All sections in this ordinance are hereby deemed severable. Any section found invalid or unconstitutional by a court of law with jurisdiction shall not be deemed to invalidate or find unconstitutional other sections in this ordinance.

Section 3. Corrections. The City Clerk or City Attorney are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

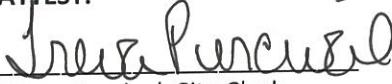
Section 4. Effective Date. This ordinance shall become effective five days after date of publication.

APPROVED by the City of Buckley Council at regularly scheduled open public meeting on the 23rd day of March 2021.

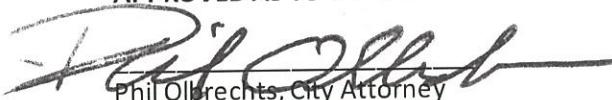


Mayor Pat Johnson

ATTEST:


Treva Percival
City Clerk

APPROVED AS TO FORM:



Phil Oltrechts, City Attorney

PUBLISHED: 3/31/2021
EFFECTIVE: 4/5/2021