

ORDINANCE NO. 1362

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON ADDING A NEW CHAPTER 9.30 BICYCLE, SKATEBOARD, ROLLER SKATE, AND SCOOTER HELMETS TO THE KALAMA MUNICIPAL CODE.

WHEREAS, the Kalama City Council wishes to provide protection to the youth within our community; and

WHEREAS, it has been shown that the wearing of helmets while riding a bicycle can protect the rider from serious injury and death;

WHEREAS, there has been an increase in the use of Skateboards, RollerSkates and Scooters within our community; and

WHEREAS, the Kalama City Council has determined that the establishment of a helmet law to cover these sports will help to provide needed protection to those participating in these sports;

NOW, THEREFORE, the City Council of the City of Kalama, Washington do ordain as follows:

SECTION 1. Kalama Municipal Code Chapter 9.30 is adopted as follows:

Chapter 9.30, BICYCLE, SKATEBOARD, ROLLER SKATE, AND SCOOTER HELMETS

9.30.010 Purpose and policy.

A. This chapter is enacted as an exercise of the authority of the city of Kalama 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 Kalama or any of 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 Kalama, 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 Kalama by its officers, employees or agents.

9.30.020 Definitions.

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

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 16 inches or more in diameter, or three wheels, any one of which is more than 20 inches in diameter (RCW 46.04.071). Within this chapter, the term "bicycle" shall include any attached trailers, sidecars, and/or other device being towed by a bicycle.

B. "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.

C. "Helmet" means a head covering that meets or exceeds safety standards adopted by Standard Z-90.4 set by the **U.S. Consumer Products Safety Commission, or the American National Standards Institute (ANSI)**, or the Snell Foundation, or such subsequent nationally-recognized standard for bicycle, skateboard, roller skate and scooter helmet performance as the city council may adopt.

D. "Motorized Foot Scooter" means a device with no more than two 10-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.

E. "Public area" means public roadways, bicycle paths, parks, or any right-of-way or publicly owned facility under the jurisdiction of the city of Kalama.

F. "Scooter" means a platform having two or more wheels beneath it and a balancing handpost or steering device, which the rider balances on top of and which is propelled solely by human power.

9.30.030 Bicycle helmet required.

A. Any person under the age of eighteen (18) bicycling, skateboarding, roller skating, riding a scooter or riding as a bicycle passenger on or in tow of a bicycle, skateboard, or roller skate or scooter upon any public area in the city of Kalama shall wear an approved bicycle helmet designed for safety that meets or exceeds the standards adopted in KMC 9.30.020(C) and shall have either the neck or chin strap of the helmet fastened securely while the bicycle, skateboard, roller skate, or scooter, is in motion.

B. No person shall transport another person on or in tow of a bicycle, skateboard, roller skate, or scooter upon any public area in the jurisdiction of the city of Kalama, unless the

passenger is wearing a helmet that meets the requirements of this chapter.

C. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved bicycle helmet while bicycling, skateboarding, roller skating, riding a scooter, or riding as a passenger on a bicycle, skateboard, roller skate, or scooter in any public area in the city of Kalama, and has the neck or chin strap of the helmet fastened securely.

9.30.040 Bicycle, skateboard, roller skate, scooter races and events – helmet required.

A. Any person managing a bicycle, skateboard, roller skates, or scooter race, an organized event involving bicycling, skateboarding, roller skating, riding a scooter or a bicycle tour in the public areas of the city of Kalama shall require that all participants under the age of eighteen (18) on or in tow of bicycles, skateboards, roller skates, or scooters wear approved helmets.

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

9.30.050 Bicycle, skateboard, roller skate, scooter leasing or loan – helmet required.

A. Any person engaging in the business of renting or loaning (e.g., “a test drive”) any bicycle, skateboard, roller skates or scooter for use in any public place in the city of Kalama shall supply the persons leasing or using bicycles, skateboards, roller skates, or scooter with approved helmets as defined herein, along with the bicycles, skateboards, roller skates, scooter, unless the bicycle, skateboard, roller skate, scooter riders and passengers possess approved helmets of their own, and offer proof thereof, for use with the bicycle, skateboard, roller skates, or scooter.

B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle, skateboard, roller skates or scooter 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 of a bicycle, skateboard, roller skate, or scooter by a person engaged in the business of renting bicycles, skateboards, roller skates, or scooters, and that the helmet was fastened securely while bicycling, skateboarding, roller skating, or riding a scooter.

9.30.060 Helmet sales – Safety standards.

A. No person shall sell or offer for sale a bicycle helmet that does not meet or exceed the safety standards set by the American National Standards Institute (ANSI) Standard Z-90.4, or the Snell Foundation, or such subsequent nationally-recognized standard for bicycle helmet performance as the city of Kalama may adopt.

B. It is a defense that the sale or offer for sale was an isolated sale of used merchandise

made by an individual who was not engaged in the business of selling or repairing recreational equipment, such as a seller at a garage or rummage sale.

9.30.070 Penalties – Civil non-traffic violations.

A. Any person, including a parent or guardian, violating any of the provisions of this chapter shall have committed a civil non-traffic violation and shall be liable for the following:

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| 1 st Offense | A warning |
| 2 nd Offense | \$25.00. |
| 3 rd Offense and each offense after | \$50.00 |

B. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year, and provides proof that he or she has acquired an approved helmet at the time of appearance in court.

C. Each child under 18 not meeting the requirements of KMC 9.30.030 shall represent a separate violation.

D. Each rental and each event under KMC 9.30.040 shall be a separate violation.

9.30.080 Enforcement.

A. The city of Kalama police department shall be responsible for enforcing the provisions of this chapter.

B. For the purpose of this chapter, law enforcement officers may at their discretion:

1. Enter, during business hours, the premises of a business selling, repairing, or renting bicycles, skateboards, roller skates, scooters, or selling sporting or recreation equipment to determine compliance with this chapter;
2. Post notice outside the premises of a business that offers for sale, rent, or other public use bicycle, skateboard, roller skate, or scooter helmets that do not meet the safety standards of this chapter, so that the public is informed; and
3. Stop a bicycle, skateboard, roller skate, or scooter race, an organized event involving bicycling, skateboarding, roller skating, riding a scooter, or a bicycle tour that takes place in a public area when there is conspicuous disregard for the requirements of this chapter, involving multiple infractions.

9.30.090 Information and education.

A. Information and the need for bicycle, skateboard, roller skate, and scooter helmets, safe helmet use, safe bicycle, skateboard, roller skate and safe scooter, operation, and existing bicycle, skateboard, roller skate, and scooter safety programs are available at

the city of Kalama police and fire department.

B. The city of Kalama encourages any person engaging in the business of selling bicycles, skateboards, roller skates, and scooters to include information on bicycle, skateboard, roller skate and scooter safety and the helmet requirements of this chapter with each bicycle, skateboard, roller skates and scooter sold.

C. The city of Kalama encourages any person engaging in the business of selling bicycle, skateboard, roller skate and scooter helmets to include information on safe helmet usage with each helmet sold.

Section 2. Effective Date: This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Kalama at a regularly scheduled meeting thereof this 19th day of August, 2015.

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed: _____

Published: _____

Effective: _____