

TOWN OF RUSTON

ORDINANCE NO. 1313

AN ORDINANCE OF THE TOWN OF RUSTON, WASHINGTON, AMENDING CHAPTER 9.15, PERTAINING TO BICYCLE HELMETS.

WHEREAS, the Town of Ruston is a popular destination for area bicyclists due to its natural setting and proximity to Point Defiance Park; and

WHEREAS, a large number of bicyclists use the streets of the Town, creating the potential for automobile vs. bicycle collisions; and

WHEREAS, according to the latest data produced by the Bicycle Helmet Safety Institute, 95% of bicycle accident fatalities were not wearing a helmet at the time of the accident, as opposed to only 5% who were wearing a helmet; and

WHEREAS, the Town Council finds that the health, safety, and welfare of the Town's citizens require that the Town exercise its police power to require bicyclists to wear helmets in the Town of Ruston;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF RUSTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. RMC 9.15.010 is hereby amended to read in its entirety as follows:

9.15.010 Definitions.

- (a) For purposes of this chapter, a "go-cart" is defined as any vehicle of three or more wheels, without a motor, and capable of being ridden by a child or adult person; provided, that trailers of conventional type, licensed as such, and baby carriages shall not be deemed to be "go-carts."
- (b) "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.
- (c) "Bicycle" means a human-powered vehicle with two wheels in tandem designed to transport by the act of pedaling one or more persons seated on one or more saddle seats on its frame. "Bicycle" includes, but is not limited to, any human-powered vehicle designed to transport by the act of pedaling which has more than two wheels when such vehicle is used on a public roadway, public bicycle path, or other public road or right-of-way, but does not include a tricycle.

(ed) "Helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with a label required by the Federal Consumer Products Safety Commission as adopted by the Code of Federal Regulations, 16 CFR 1203.

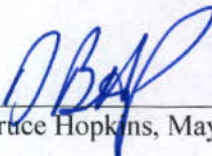
Section 2. RMC 9.15.040 is hereby amended to read in its entirety as follows:

9.15.040 Helmet required.

- (a) Any person operating a bicycle or motorized foot scooter on any public area shall wear an approved helmet designed for safety and shall have either the neck or chin strap of the helmet fastened securely while the bicycle or motorized foot scooter is in motion.
- (b) Any person violating the provision of this section shall be ~~deemed to have committed a traffic infraction~~ guilty of a misdemeanor and shall be ~~subject to a penalty punished by a fine not to exceed \$100.00.~~

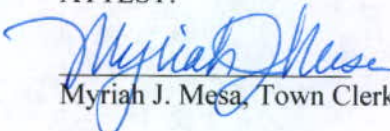
Section 3. Effective Date. This Ordinance shall take effect upon publication.

ENACTED by the Town Council of the Town of Ruston in open public meeting, SIGNED by the Mayor and attested by the Town Clerk in authentication of such passage this 7th day of June, 2010.



Bruce Hopkins, Mayor

ATTEST:



Myriah J. Mesa, Town Clerk

Approved as to form:

Town Attorney

Date of Publication: _____, 2009