

ORDINANCE NO. 2008-26

**AN ORDINANCE OF THE TOWN OF EATONVILLE BICYCLE, SKATEBOARD,
ROLLERSKATE, ROLLERBLADE AND SCOOTER HELMET SAFETY &
OPERATING REQUIREMENTS REPLACING CURRENT EMC CHAPTERS 10.28 AND
10.29**

Sections:

10.28.010 Purpose and policy.

10.28.020 Definitions.

10.28.030 Helmet required.

10.28.040 Bicycle, skateboard, rollerblades, scooter races and events – Helmet required.

10.28.050 Bicycle, skateboard, rollerblades, scooter leasing or loan – Helmet required.

10.28.060 Helmet sales – Safety standards.

10.28.070 Penalties – Civil nontraffic violations.

10.28.080 Enforcement.

10.28.090 Information and education.

10.28.010 Purpose and policy.

A. This chapter is enacted as an exercise of the authority of the Town of Eatonville to protect and preserve the public health and welfare of its citizens. Its provisions shall be liberally interpreted 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 Town of Eatonville 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 Town of Eatonville, 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 Town of Eatonville by its officers, employees or agents.

10.28.20 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, or three wheels devices propelled solely by human power upon which a person or persons may ride as identified in RCW 46.04.071. Within this chapter, the term "bicycle" shall include any attached trailers, side cars, 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 16 CFR 1203 set by the Office of Compliance for the U.S. Consumer Product Safety Commission or such subsequent nationally recognized standard for bicycle, skateboard, rollerblades, and scooter helmet performance as the Town council may adopt.

D. "Public area" means public roadways, bicycle paths, parks, or any right-of-way or publicly owned facility under the jurisdiction of the Town of Eatonville.

10.28.030 Helmet required.

A. Any person bicycling, skateboarding, rollerblading or skating, riding a scooter or riding as a bicycle passenger on or in tow of a bicycle, skateboard, rollerblade or roller skate or scooter upon any public area in the Town of Eatonville shall wear an approved helmet designed for safety that meets or exceeds the standards Z-90.4 set by the American National Standards Institute or the Snell Foundation, or a subsequent nationally recognized standard for bicycle helmet performance, and shall have either the neck or chin strap of the helmet fastened securely while the bicycle, skateboard, rollerblade, roller skate, or scooter is in motion.

B. No person shall transport another person on or in tow of a bicycle, skateboard, rollerblade, roller skate, or scooter upon any public area in the jurisdiction of the Town of Eatonville 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 helmet while bicycling, skateboarding, roller skating, riding a scooter or riding as a passenger on a bicycle, skateboard, rollerblading, roller skate, or scooter in any public area in the Town of Eatonville, and has the neck or chin strap of the helmet fastened securely.

10.28.040 Bicycle, skateboard, roller skate, scooter races and events– Helmet required.

A. Any person managing a bicycle, skateboard, roller skate, rollerblades, or scooter race, an organized event involving bicycling, skateboarding, roller skating, riding a scooter, or a bicycle

tour in the public areas of the Town of Eatonville shall require that all participants on or in tow of bicycles, skateboards, roller skates, rollerblades or scooters wear approved helmets.

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

10.28.050 Bicycle, skateboard, roller skate, rollerblades, 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, rollerblades or scooter for use in any public place in the Town of Eatonville shall supply the persons leasing or using bicycles, skateboards, roller skates, rollerblades or scooter with approved helmets as defined herein, along with the bicycles, skateboards, roller skates, rollerblades or scooter, unless the bicycle, skateboard, roller skate, rollerblades or scooter riders and passengers possess approved helmets of their own, and offer proof thereof, for use with the bicycle, skateboard, roller skates, rollerblades or scooter.

B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle, skateboard, roller skates, rollerblades or scooter of the helmet requirements of this chapter.

C. It is not 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, rollerblades or scooter by a person engaged in the business of renting bicycles, skateboards, rollerblades, roller skates, or scooters, and that the helmet was fastened securely while bicycling, skateboarding, roller skating, rollerblading or riding a scooter.

10.28.060 Helmet sales– Safety standards.

A. No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards set by the U.S. Consumer Product Safety Commission, Office of Compliance Requirements for Bicycle Helmets, or such subsequent nationally recognized standard for helmet performance as the Town of Eatonville may adopt.

10.28.070 Use of Bicycles – Skateboards – Rollerblades- Roller skates – Scooters on Public Right of Ways Parks and Sidewalks

A. Any person operating bicycles, skateboards, rollerblades, roller skates or scooters on a sidewalk or walking path shall use due care and caution and be in complete control of said conveyance and must yield to pedestrians.

B. Any person operating bicycles, skateboards, rollerblades, roller skates or scooters entering a crosswalk must walk their bicycle, skateboard, or scooter through the entire crosswalk area.

C. No person shall operate any bicycle, skateboard, rollerblades, roller skates, or scooters in a mechanically unsafe manner.

10.28.080 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 nontraffic violation and shall for a first infraction be given a written warning, for a second infraction shall be liable for a monetary penalty of twenty dollars (\$20) and for each additional infraction shall be liable for a monetary penalty of seventy six dollars (\$76).

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 EMC 8.10.030 shall represent a separate violation.

D. Each rental and each event under EMC 10.28.040 shall be a separate violation.

10.28.080 Enforcement.

A. The Town of Eatonville 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, rollerblades 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, rollerblades 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, rollerblades and 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.

10.28.090 Information and education.

A. Information and the need for bicycle, skateboard, roller skate, rollerblades and scooter helmets, safe helmet use, safe bicycle, skateboard, roller skate, rollerblade and scooter operation, and existing bicycle, skateboard, roller skate, rollerblade and scooter safety programs are available at the Town of Eatonville police and fire department.

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

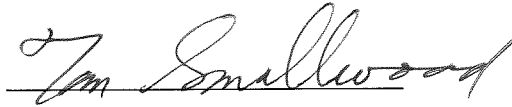
C. The Town of Eatonville encourages any person engaging in the business of selling bicycle, skateboard, roller skate, rollerblades and scooter helmets to include information on safe helmet usage with each helmet sold.

PASSED BY THE Town Council and approved by the Mayor of the Town of Eatonville, Washington, at a regular meeting of this 24 day of November 2008.

ATTEST:

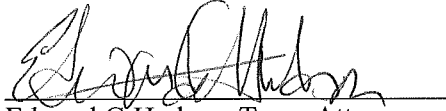


Chrystal McGlone, Town Clerk



Tom Smallwood, Mayor

APPROVED AS TO FORM:



Edward G Hudson, Town Attorney