

Introduced by: Public Safety & Trans. Comm.
Date: February 10, 2004
Public Hearing: none
Action: none
Vote: none

CITY OF BETHEL, ALASKA

ORDINANCE #04-01

AN ORDINANCE ADDING BETHEL MUNICIPAL CODE CHAPTER 8.15 ENTITLED VEHICLE HELMETS, THAT REQUIRES MINORS UNDER EIGHTEEN YEARS OLD TO WEAR A PROPERLY FITTED AND FASTENED CERTIFIED PROTECTIVE HELMETS WHILE RIDING BICYCLES AND OTHER SIMILAR VEHICLES ON PUBLIC ACCESS AREAS, AND IMPOSES A FINE FOR VIOLATION OF THESE REQUIREMENTS

WHEREAS the City of Bethel Public Safety Commission has reviewed information about studies that have shown that youth wearing certified protective helmets that are properly sized and properly worn, have prevented or limited serious head injuries while bicycling, skating, skateboarding, sledding and riding similar vehicles, and therefore recommends enacting this ordinance;

WHEREAS certified protective helmets have been provided free to City of Bethel youths by various public service groups;

WHEREAS the use of certified protective helmets by youths gradually begins to taper off after the initial distribution of the helmets;

WHEREAS a fine for failure by minors to properly fasten a certified protective helmet of appropriate fit is needed to foster greater and continued use of certified protective helmets; and

WHEREAS the fine can be forgiven upon acquisition of a properly fitted certified protective helmet, or for first time violators who are not properly wearing a certified protective helmet, that will serve as an incentive to get youths and their parents to comply with the helmet requirements set out in this ordinance.

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

Section 1. Classification. This ordinance is permanent in nature and shall be incorporated into the Bethel Municipal Code ("Code").

Section 2. Content. Title 8 of the Code (Health and Safety) is hereby amended by adding a

new chapter 15 to read as follows:

Chapter 8.15

VEHICLE HELMETS

8.15.10 Requirement that minors wear certified protective helmets.

8.15.11 Fine schedule.

Section 3. Content. The following sections of chapter 15 of the Code (Public Safety) are hereby added to read as follows:

8.15.10 Requirement that minors wear certified protective helmets.

- A. It shall be unlawful for any person under eighteen (18) years of age to operate or ride upon in-line or roller skates, skateboards, scooters, coasters, toy motorized vehicles, bicycles, tricycles, unicycles, or any similar vehicles on any public property or private property that is open for public use within the City, including highways, streets, roads, bike-ways or trails, or right-of-ways, unless that person wears a certified protective helmet that is properly fitted and that is properly fastened. This requirement also applies to any minor who rides in a restraining seat, trailer, backpack, or similar child restraining device, used by someone operating in-line or roller skates, skateboards, scooters, coasters, toy motor vehicles, bicycles, tricycles, unicycles, or any similar vehicles.
- B. A certified protective helmet is a helmet containing a manufacturer certification that it meets the standards of the American National Standards Institute, American Society for Testing and Materials (ASTM), or the United States Consumer Product Safety Commission (CPSC).

8.15.20 Fines schedule.

- A. A non-emancipated minor under 18 years of age shall be liable for paying a fine of \$25.00 who violates Section 8.15.010 by either not wearing a properly fitted certified protective helmet, or by not properly fastening the certified protective helmet.
- B. Any emancipated minor under 18 years of age shall be liable for paying a fine of \$25.00 who violated Section 8.15.010 by either not wearing a properly fitted certified protective helmet, or by not properly fastening the certified protective helmet.
- C. The fine shall not be more than \$25.00 if the minor fails to wear a properly fitted certified protective helmet, fails to properly fasten the certified protective helmet, or both.

- D. The fine shall be suspended for a violator issued a citation for failure to wear a properly fitted certified protective helmet in violation of Section 8.15.010, who subsequent to being issued a first citation and before the date the fine is due, provides proof to the Bethel Police Department of purchase or acquisition of a certified protective helmet that is properly fitted for the violator.
- E. The fine shall be suspended for a first time violator issued a citation for failure to properly fasten a certified protective helmet, in violation of Section 8.15.010.
- F. The fine shall not be suspended for a violator who is issued a second or any subsequent citation for failure to wear a properly fitted certified protective helmet, or for failure to properly fasten a certified protective helmet, in violation of Section 8.15.010.
- G. The fines provided for in this section shall not be enforced until forty-five (45) days after the effective date of the ordinance enacting this chapter.

Section 4. Effective Date. This Ordinance shall take effect immediately upon approval by the City Council, with the exception of the imposition of any fine as set out in Section 8.15.020, which will not be imposed until forty-five (45) days after the effective date of this ordinance, as provided in Subsection 8.15.020(F).

ENACTED THIS _____ DAY OF _____ 2003 by a vote of _____ in favor and _____ opposed.

Hugh Short, Mayor

ATTEST:

Amanda Roudebush, City Clerk

