Passed: 7-1 (Banach)

Sherman absent

ORDINANCE 96-07

To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Child Bicycle Safety Ordinance)

WHEREAS, disability and death of children resulting from injuries sustained in bicycling accidents are a serious threat to the public health, welfare, and safety of the people of this City and the prevention of such disability and death is a worthy municipal objective; and

WHEREAS, head injuries are the leading cause of disability and death from bicycling accidents; and

WHEREAS, the risk of head injuries from bicycling accidents is significantly reduced for bicyclists who wear proper protective bicycle helmets; yet helmets are worn by fewer than 5% of child bicyclists nationwide; and

WHEREAS, the risk of head injury or of any other injury to a small child who is a passenger on a bicycle operated by another person would be significantly reduced if any such child-passenger sat in a separate restraining seat; and

WHEREAS, the purpose of this ordinance is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that while riding on a bicycle on the public highways, public bicycle paths, and other public rights-of-way of this City, all bicycle operators and passengers under the age of eighteen (18) years of age wear approved protective bicycle helmets; that all bicycle passengers who weigh less than forty (40) pounds or are less than forty (40) inches in height be secured in separate restraining seats; and, all other bicycle passengers under the age of eighteen (18) shall be seated on separate bicycle seats;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Chapter 15.56 of the Bloomington Municipal Code, entitled "Bicycles, Skateboards, and Other Foot Propelled Vehicles," be amended by adding Section 15.56.015, entitled "Definitions" which shall read as follows:

15.56.015 Definitions. (a) When appearing in this chapter the following words shall have the following meanings:

"Bicycle" shall mean a human powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more bicycle seats on its frame. Such term also includes a human-powered vehicle designed to transport by pedaling which has more than two wheels where the vehicle is used on a public highway, public bicycle path or other public right-of-way, but does not include a tricycle.

"Bicycle trailer" shall mean a vehicle with two or more wheels that is attached to a bicycle and pulled in whole or in part by the pedaling action of the operator of the bicycle.

"Operator" means a person who travels on a bicycle seated on a bicycle seat from which that person is intended to and can pedal the bicycle.

"Passenger" means any person who travels on a bicycle in any manner except as an operator.

"Protective bicycle helmet" means a piece of headgear which meets or exceeds

the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

"Restraining seat" means a seat separate from the seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in such seat and protect such passenger from the moving parts of the bicycle.

"Tricycle" means a three-wheeled human powered vehicle designed for use as a toy by a single child under the age of six (6) years of age, the seat of which is no more than two (2) feet from ground level.

SECTION II. Chapter 15.56 of the Bloomington Municipal Code, entitled "Bicycles, Skateboards, and Other Foot Propelled Vehicles," be amended by inserting an new Section 15.56.100 which shall read as follows:

15.56.100 Requirements for Helmet and Restraining Seat Use. With regard to any bicycle used on a public highway, public bicycle path, or other public right-of-way:

(a) It shall be a violation of this ordinance for any person under the age of eighteen (18) to operate or be a passenger on a bicycle or bicycle trailer unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit fastened securely upon the head with straps of the helmet.

(b) It shall be a violation of this ordinance for any person under the age of eighteen (18) to be a passenger on a bicycle or bicycle trailer unless at all times:

(i) the person is able to maintain a seated position on the bicycle or bicycle trailer, and

(ii) the person is properly seated alone on a bicycle seat separate from that of the operator, or

(iii) with respect to any person who weighs less than forty (40) pounds, or who is less than forty (40) inches in height, the person can be and is properly seated in and adequately secured to a restraining seat.

(c) It shall be a violation of this ordinance for any parent or legal guardian of a person below the age of eighteen (18) to permit such person to operate or be a passenger on a bicycle in violation of subsection (a) or (b) of this section.

(d) It shall be a violation of this ordinance to rent or lease any bicycle to or for the use of any person under the age of eighteen (18) unless:

(i) the person is in possession of a protective bicycle helmet of good fit at the time of such rental or lease; or

(ii) the rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subsection (a), at all times while operating or being a passenger on the bicycle.

(e) Any person violating the requirements of parts (a) through (c) of this section shall be subject to a Class G Traffic Violation, which bears the penalty listed in Section 15.64.010(h). And, any person violating the requirements of part (d) of this section shall be subject to a Class B Traffic Violation, which bears the penalty listed in Section 15.64.010(b).

(f) In the case of a person's first citation under parts (a), (b), or (c) of this section, the fine may be waived upon receipt of satisfactory proof that the cited person has since the date of the violation purchased or otherwise obtained, as appropriate, a protective bicycle helmet or a restraining seat, and uses and intends to use the same whenever required to do so under the terms of this ordinance.

SECTION III. Section 15.56.100 Violation and Penalty of the Bloomington Municipal Code be amended by renumbering and adding text to that section so that it now reads:

> 15.56.110 Violation and Penalty. Violation of any provision of this chapter other than Section 15.56.070 and Section 15.56.100 is a Class E Traffic Violation and is subject to the penalty listed in Chapter 15.64.010(e). Each day that violation continues shall constitute a separate offense.

SECTION IV. Chapter 15.64 of the Bloomington Municipal Code entitled "Traffic Violation Schedule" be amended by adding the following entry to Part (b) of Section 15.64.010:

15.56.100(d)	Failure of bike rental to assure possession of helmet by person under the age of eighteen

SECTION V. Chapter 15.64 of the Bloomington Municipal Code entitled "Traffic Violation Schedule" be amended by adding the following entries to Part (g) of Section 15.64.010:

15.56.100(a)	Failure to wear protective bicycle helmet by person under the age of eighteen
15.56.100(b)	Improper seating on bicycle by person under the age of eighteen
15.56.100(c)	Permitting child under the age of eighteen to violate 15.56.100 (a) or (b)

SECTION VI. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VII. The provisions set forth in this ordinance shall go into effect on March 1, 1997.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of November, 1996.

Patricia Cole
PATRICIA COLE, Vice President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21ST day of November, 1996.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 25 day of November, 1996.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Pizzo. It requires all bicycle operators and passengers under the age of eighteen (18) who are traveling on the public highways, public bicycle paths, and other public rights-of-way of this city to wear a protective bicycle helmet. The ordinance also requires all bicycle passengers, who are under the age of eighteen (18) but over 40 pounds in weight or 40 inches in height, to be able to maintain a seated position on a bicycle seat separate from that of the operator or other passenger. And, for the smaller passengers, who weigh less than forty (40) pounds or who are less than forty (40) inches in height, the ordinance requires that they must be secured in a restraining seat. It is also a violation of the ordinance for parents and legal guardians to permit their dependents who are under the age of eighteen (18) to operate or to be a passenger on a bicycle without complying with the above requirements. The fine for parents, guardians, and those under eighteen years of age for violating these requirements is $10.00. This fine may be waived for persons receiving their first citation, who show proof of having obtained the missing equipment and of their intention to comply with the requirements of the ordinance. And lastly, this ordinance requires businesses who rent or lease bicycles to or for the use of someone under the age of eighteen (18) to determine that the person has a suitable helmet or supply them with one. The fine for violating this requirement is $100. In order to give the public an opportunity to comply with its terms, this ordinance will go into effect on March 1, 1997.

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