

ORDINANCE NO. 2009-13

AN ORDINANCE OF THE CITY COUNCIL OF FLAGSTAFF, ARIZONA, AMENDING TITLE 9 OF THE FLAGSTAFF MUNICIPAL CODE BY ADDING SECTION 9-05-001-0018, "BICYCLE HELMETS/PROTECTIVE EQUIPMENT", TO REQUIRE PERSONS UNDER THE AGE OF 18 YEARS TO WEAR PROTECTIVE HELMETS WHEN RIDING A BICYCLE, EITHER AS THE OPERATOR OR PASSENGER; AND TO ESTABLISH A PENALTY FOR VIOLATION.

WHEREAS, according to the Bicycle Helmet Safety Institute (BHSI), of the approximately 700 bicyclists who died on US roads in 2007, over ninety percent died in crashes with motor vehicles; and

WHEREAS, the BHSI further documents that about 540,000 bicyclists in this country visit emergency rooms with injuries every year--67,000 with head injuries and 27,000 with injuries serious enough to be hospitalized; and

WHEREAS, bicycle crashes and injuries are under-reported, since the majority are not serious enough for emergency room visits; and

WHEREAS, one in eight of the cyclists with reported injuries had a brain injury; and

WHEREAS, two-thirds of the deaths from bicycle/vehicle crashes are from traumatic brain injury; and

WHEREAS, an estimated forty-five to eighty-eight percent of cyclists' brain injuries can be prevented by a helmet; and

WHEREAS, the United States Consumer Product Safety Commission (CPSC) reported an annual average of 80 children under 16 years of age who have died in bicycle-related incidents in recent years; and

WHEREAS, the CPSC reports that about half of the 500,000 bicycle related emergency-room treated injuries in 2007 involved children under the age of 15; and

WHEREAS, a significant number of children who survive head injuries don't return to a normal life and are often left with profound, disabling and long-lasting injuries;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

Section 1: That Chapter 9-05, Traffic, of the Flagstaff City Code be hereby amended by adding new Subsection 9-05-001-0018, Bicycle Helmets – Protective Equipment, as follows:

9-04-001-0018 Bicycle Helmets/Protective Equipment

- A. It shall be unlawful for any person under eighteen (18) years of age to operate or ride upon a bicycle on any highway, street, road, sidewalk, bike-way or trail, unless that person wears a protective helmet that is properly fitted and fastened.
- B. No parent or guardian of any unemancipated minor under eighteen (18) years of age shall knowingly allow the minor to violate this section.
- C. Violation of this section shall constitute a civil traffic offense and shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00) for each offense.
- D. The first time a person is charged with a violation of this section the Court may dismiss the charge upon presentation of evidence that the person has purchased or obtained a protective helmet.
- E. For purposes of this section "protective bicycle helmet" means a helmet containing a manufacturer's certification that it meets the standards of either the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the United States Consumer Product Safety Commission (CPSC).
- F. Except as authorized by A.R.S. § 28-1599, a violation of this ordinance cannot be used as evidence of negligence or comparative negligence in a subsequent civil or criminal proceeding.

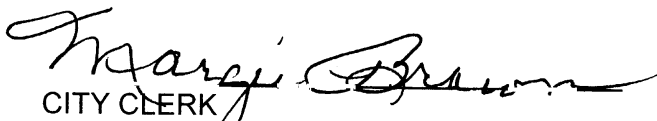
(Ord. No. 2009-13, Revised, 09/01/2009)

Section 2: The effective date of this Ordinance shall be January 1, 2010.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 15th day of September, 2009.


 MAYOR

ATTEST:


 CITY CLERK

APPROVED AS TO FORM:


 CITY ATTORNEY