

ORDINANCE NO.: 59 -2019
INTRODUCED BY: Lentine

AN ORDINANCE AMENDING SUBDIVISIONS (k) and (l) OF SECTION 372.02, TITLED "RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES," OF THE CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS TO REQUIRE BICYCLE OPERATORS AND PASSENGERS UNDER THE AGE OF SIXTEEN YEARS TO WEAR A PROTECTIVE HELMET, AND DECLARING AN EMERGENCY.

WHEREAS, a half million bicycle-related injuries are treated in emergency rooms across the United States every year and approximately 53% of those injuries involve children;

WHEREAS, research has consistently shown that helmets reduce the risk of serious head injury by up to 88% and reduce the risk of facial injury by 65%;

WHEREAS, bike-related injuries declined by 45% in towns and states where bike helmet legislation has been adopted;

WHEREAS, Council desires to amend Section 372.02, titled "Riding Upon Seats; Handle Bars; Helmets and Glasses," of the Codified Ordinances of the City of Richmond Heights to require bicycle operators and passengers under the age of sixteen years of age to wear a protective helmet in order to reduce the risk of serious head and face injury.

NOW, THEREFORE, be it Ordained by the Council of the City of Richmond Heights, Ohio, Cuyahoga County, State of Ohio that:

Section 1. Subdivisions (k) and (l) of Section 372.02, titled "Riding Upon Seats; Handle Bars; Helmets and Glasses," of the Codified Ordinances of the City of Richmond Heights are hereby amended as follows:

"373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.

(k)(1) No person under the age of sixteen years shall operate a bicycle, or ride as a passenger on a bicycle equipped with a passenger seat, within the City unless such person is wearing a protective helmet on the person's head with the chin strap fastened under the chin. Such helmet shall be fitted to the size of the operator or passenger and shall meet or exceed the standards set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation (SNELL). This subdivision shall not apply to any person riding a bicycle or who is a passenger on a bicycle on private property zoned R-1, R-2, or R-3 where such person resides.

(2) No parent, guardian, or person acting for a parent or guardian shall permit a person under sixteen years of age to violate this subdivision.

(3) Any person under the age of sixteen years found in violation of this subsection shall be informed by the police of the violation and of the serious injuries which may result when an accident occurs to a child not wearing a helmet. The police may take possession of the bicycle and hold it until the parent, guardian, or person acting on behalf of the parent or guardian of the child claims the bicycle and is informed by the police of the violation and the serious injuries which may occur to a child not wearing a helmet.

(4) It shall be an affirmative defense to a violation of this subdivision that the parent, guardian, or person acting on behalf of parent or guardian made a good faith effort to purchase a

helmet for the minor but was unable to do so as a result of the unavailability of a helmet meeting the requirements in this subdivision.

(5) Any parent, guardian, or person acting on behalf of a parent or guardian of a person under the age of sixteen years, who permits such person under the age of sixteen years to operate or be a passenger on a bicycle in the City, on public or private property, in violation of this subdivision, shall be fined not more than thirty dollars (\$30.00).

~~(k)~~(l) Except as otherwise provided in this subsection subdivision and in subdivision (k), whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.53)”

Section 2. Subdivisions (k) and (l) of Section 372.02, titled “Riding Upon Seats; Handle Bars; Helmets and Glasses,” of the Codified Ordinances of the City of Richmond Heights as it existed prior to the effective date of this Ordinance is hereby repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety and general welfare of the City, so as to be able to immediately enforce the helmet requirement for bicycle operators and riders under the age of sixteen years to protect their health and safety as soon as possible; wherefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED:


June 11, 2019

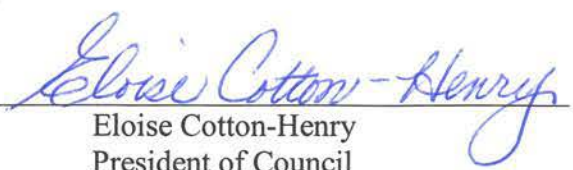

David H. Roche, Mayor

APPROVED:

June 11, 2019

ATTEST:


Betsy Traben
Clerk of Council


Eloise Cotton-Henry
President of Council