

ORDINANCE NO. 00-5135

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THAT THE BILLINGS MONTANA CITY
CODE OF ORDINANCES BE AMENDED BY
ADDING SECTIONS TO BE NUMBERED, 24-604,
24-605, 24-606, 24-607, 24-608 and 24-609;
REQUIRING ALL INDIVIDUALS UNDER THE AGE
OF SIXTEEN (16) TO WEAR PROTECTIVE
BICYCLE HELMETS WHILE OPERATING
BICYCLES IN THE CITY LIMITS; REQUIRING ALL
BICYCLE RENTAL BUSINESSES TO PROVIDE
PROTECTIVE HELMETS; REQUIRING ALL
BICYCLE HELMETS SOLD BE CONSPICUOUSLY
LABELED; ESTABLISHING A PROTECTIVE
HELMET BANK AND PROVIDING A PENALTY FOR
VIOLATIONS.

WHEREAS, the City Council of the City of Billings is concerned with helping prevent bicycle injuries, and,

WHEREAS, there is extensive involvement in bicycle safety education by various public and non-profit community organizations, including health care providers, schools, Parent-Teacher Associations (PTAs), service clubs and law enforcement agencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by adding Section 24-604 to read as follows:

"Sec. 24-604. Definitions.

The following words and phrases when used in this article shall have the following meanings:

Bicycle means any two-wheeled non-motorized vehicle as defined by state law and, for purposes of this ordinance, includes any attachment to such vehicle designed to transport individuals.

Operator means the driver of the bicycle as well as any passengers.

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's standards for protective headgear or the American Society for Testing and Materials (ASTM) for use in bicycling.

Way means any property open to the public or used by the public for pedestrian and/or vehicle purposes."

Section 2. That the Billings, Montana City Code be amended by adding Section 24-605 to read as follows:

"Sec. 24-605. Protective Bicycle Helmets Shall Be Worn.

(a) All individuals under sixteen (16) years of age while operating a bicycle upon any way in the city limits must wear a protective bicycle helmet of good fit which is securely fastened to the operator's head.

(b) It is unlawful for any parent or legal guardian of a person under sixteen (16) years of age to permit such person to operate or be a passenger on a bicycle or on any attachment to a bicycle upon a way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, which is securely fastened to such person's head."

Section 3. That the Billings, Montana City Code be amended by adding Section 24-606 to read as follows:

"Sec. 24-606. Bicycle Rental Businesses to Provide Helmets.

A person, firm, or corporation engaged in the business of renting bicycles shall provide protective bicycle helmets as defined by Section 24-604, BMCC, to any person under sixteen (16) years of age who will operate the bicycle if such person does not have a helmet in his or her possession. A fee may be charged for the helmet rental."

Section 4. That the Billings, Montana City Code be amended by adding Section 24-607 to read as follows:

"Sec. 24-607. Sale of Protective Helmets.

All helmets sold or offered for sale for use by bicycle operators within the City of Billings shall be conspicuously labeled in accordance with the standards set forth in the definition of *protective bicycle helmet* under Section 24-604, BMCC. The conspicuous label shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards."

Section 5. That the Billings, Montana City Code be amended by adding Section 24-608 to read as follows:

"Sec. 24-608. Protective Helmet Bank Established.

An individual adjudicated in violation of this chapter absent the means to afford a protective helmet as defined in Sec. 24-604, BMCC, may obtain a protective helmet from the Protective Helmet Bank. The Protective Helmet Bank shall be administered by a nonprofit organization approved by the Billings City Administrator."

Section 6. That the Billings, Montana City Code be amended by adding Section 24-609 to read as follows:

"Sec. 24-609. Penalty.

Violation of this ordinance is a misdemeanor punishable by Sec. 1-110, BMCC, and may subject the offender's bicycle to the impoundment provisions contained in Section 24-603, BMCC."

Section 7. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinances are declared to be severable.

Section 8. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 9. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

PASSED by the City Council on first reading this 27th day of November, 2000.

PASSED, ADOPTED and APPROVED on second reading this 11th day of December, 2000.

By Charles F. Tally
CITY OF BILLINGS
Mayor

ATTEST:

By Marion Herold
City Clerk

