

ORDINANCE NO. 1, 1997

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA
REQUIRING BICYCLISTS TO WEAR HELMETS MEETING STANDARDS OF THE
AMERICAN NATIONAL STANDARDS INSTITUTE OR OF THE SNELL MEMORIAL
FOUNDATION WHEN RIDING ON ANY HIGHWAY, SIDEWALK, OR PUBLIC
BICYCLE PATH, AND ESTABLISHING PUNISHMENT FOR VIOLATIONS**

WHEREAS, the Wise Town Council finds it in the best interest of the Town for the safety of the citizens to adopt an ordinance providing for bicyclists to wear helmets while riding on a highway, sidewalk, or public bicycle path; and

WHEREAS, legal notice and advertisement has been provided as required by law.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wise, Virginia, as follows:

- 1) Every person 14 years of age or younger shall wear a protective helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle on any highway as defined in Section 42.6-100, of the Code of Virginia, as amended, or sidewalk, or public bicycle path.

Violation of this ordinance shall be punishable by a fine of \$25.00. The fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

Parents and/or Guardians will be notified of each violation either in person or by mail. After two violations, the parent and/or guardian shall be punishable by a fine of \$50.00 for any violation above two.

Violation of this ordinance shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

ADOPTED this the 24th day of February, 1997.

TOWN OF WISE, VIRGINIA


MAYOR

ATTEST:


CLERK OF COUNCIL