

**ORDINANCES**  
**MILES CITY, MONTANA**

**ORDINANCE NO. 1136**

**AN ORDINANCE AMENDING CHAPTER 22, ARTICLE IX, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA BY ADDING SECTIONS TO BE NUMBERED 22-333 and 22-334; REQUIRING ALL INDIVIDUALS WHO HAVE NOT GRADUATED FROM THE EIGHTH GRADE TO WEAR PROTECTIVE HELMETS WHILE OPERATING BICYCLES, COASTERS, ROLLER SKATES, SLEDS, OR SKATE BOARDS IN THE CITY LIMITS**

*WHEREAS*, the City Council of the City of Miles City is concerned with helping prevent injuries to persons riding bicycles and similar recreational vehicles within the City of Miles City;

*AND WHEREAS*, national studies have shown that head injuries to persons riding bicycles and similar devices can be reduced or ameliorated by the use of helmets;

*BE IT ORDAINED* by the City Council of the City of Miles City, Montana as follows:

**Section 1.** There is added Section 22-333 to Chapter 22, Article IX, Division 2 of the Code of Ordinances of the City of Miles City, Montana, as follows:

Sec. 22-333. **Definitions.**

The following words, terms and phrases, when used in Section 22-334 of this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bicycle* means every device propelled by human power which any person may ride, having two tandem wheels, or a front wheel and two rear wheels (commonly known as a tricycle).

*Coaster* means every motorless device, having two or more wheels, propelled, by human power or gravity upon which any person may ride,

*Sled* means any motorless device with metal, wooden or plastic runners, or a smooth undersurface, propelled by human power or gravity, and designed to glide upon snow or ice.

*Roller skates* mean any device worn upon the foot designed to carry a person upon wheels, whether in parallel or tandem, and propelled by human power or gravity.

*Skate board* means any device, propelled by human power, gravity or motor, designed to be ridden upon and supported upon skate wheels.

*Operator* means the driver of the bicycle, coaster, sled, roller skates, or skate board as well as any passenger thereon.

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*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.** There is added Section 22-334 to Chapter 22, Article IX, Division 2 of the Code of Ordinances of the City of Miles City, Montana, as follows:

**Sec. 22-334. Protective Bicycle Helmets Shall Be Worn;  
Penalty for Violation.**

(a) It is unlawful for any operator who has not completed the eighth grade to operate or ride upon any bicycle, coaster, sled, roller skates, or skateboard, or any attachment thereto, upon any way within the city limits without wearing 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 who has not completed the eighth grade to permit such person to operate or be a passenger on a bicycle, coaster, sled, roller skates, or skateboard, or any attachment thereto, unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, which is securely fashioned to such person's head.

(c) Any person violating subsections (a) or (b) above shall be subject to the following penalties:

- (1) First offense: A fine of \$5.00 and/or, if under the age of 18 years, notification of the offender's parent or guardian;
- (2) Second and subsequent offenses: Impoundment by the police department of the bicycle, coaster, sled, roller skates, or skateboard involved in the offense for a period of thirty (30) days.

**Section 3.** This ordinance shall become effective thirty (30) days following its final passage.

Said ordinance read and put on its passage this 27th day of August, 2002.

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Mike Metzberg, Mayor

ATTEST:

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Patricia D. Huss, City Clerk

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FINALLY PASSED AND ADOPTED this 10th day of September, 2002.

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Mike Metzenberg, Mayor

ATTEST:

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Patricia D. Huss, City Clerk