

**AN ORDINANCE ADDING SECTION 18-153 TO CHAPTER 18, ARTICLE VII OF THE CHESTERFIELD CITY CODE RELATING TO THE WEARING OF PROTECTIVE HEADGEAR BY MINORS WHILE BICYCLING**

**WHEREAS**, St. Louis County has enacted an ordinance requiring all minors to wear protective headgear while riding a bicycle, a scooter, roller skates, roller blades or a skateboard; and

**WHEREAS**, the City Council has determined that it would more efficient for the City's police officers to enforce the City's own ordinance pertaining to such conduct.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI as follows:**

**Section 1.** Section 18-153 of the City of Chesterfield, Missouri, Code is hereby added, initially to be designated as Section 18-153 to read as follows:

Section 18-153            **MINORS TO WEAR PROTECTIVE HEADGEAR**

1. It shall be unlawful for a parent or guardian to permit a child of at least one year of age and who has not reached the age of seventeen to operate or be a passenger on a bicycle, a scooter, roller skates, roller blades or a skateboard unless the child shall wear protective headgear which properly fits and is fastened securely upon the head of the operator or passenger. The headgear shall meet or exceed the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission, the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM).

2. Every person reasonably believed by a law enforcement officer to have violated the provisions of this section shall be issued a Notice of Violation on a form approved by the Chief of Police. The Notice of Violation shall advise persons to whom it is issued of the dangers to children under the age of seventeen associated with operating bicycles and the items set out in subsection 2 hereof without protective headgear. The Chief of Police shall keep and maintain records of all persons issued a Notice of Violation. Any person receiving more than two Notices of Violation within a twelve-month period shall be mailed a summons charging such person with having violated this ordinance.

3. Every person convicted of a violation of this ordinance shall be punished by a fine of not more than Ten Dollars (\$10.00).

**Section 2.** The Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in discretion of the editor, an alternative designation would be

more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 3.** It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CLERK**

FIRST READING HELD: \_\_\_\_\_