

Chapter 8.60

BICYCLE SAFETY HELMETS

8.60.010 Policy

It is the policy of the City to assure the safe operation of bicycles on public rights-of-way, public streets and public-owned facilities; and for this reason, in order to protect the health, welfare and safety of the residents of the City, it is necessary that reasonable regulations be promulgated to permit the operation of bicycles in a prescribed manner and to require the use of safety equipment during their operation. These regulations are in addition to the statewide bicycle regulations contained in the Massachusetts General Laws.

8.60.020 Scope

(a) The provisions of this chapter shall be applicable throughout the City on public rights-of-way, public streets and public-owned facilities.

(b) The parent, guardian or legal custodian of a minor shall not authorize nor knowingly permit the minor to violate this chapter.

8.60.030 Equipment for Bicycle Riders

Any person operating or riding a bicycle on a public street, public right-of-way or public-owned facility shall wear a protective helmet designed for bicycle safety. Such helmet shall meet or exceed the standards set by the American National Standards Institute (ANSI Z 90.4) or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for use in bicycling.

8.60.040 Enforcement

A. The Police Commissioner, or his designees within the Police Department, shall be charged with the enforcement of these provisions.

B. Authorized enforcement personnel may issue citations, pursuant to G.L. c. 40, §21D, for violations of these provisions assessing fines therefore. A first violation of this chapter shall result in no fine. A second violation shall result in a civil fine not to exceed fifty dollars. The City shall waive the fine if the violator supplies proof that between the date of the violation and the date required to pay the fine that such person purchased a helmet which meets the

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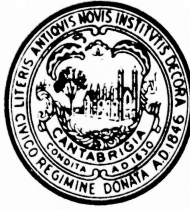
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requirements set forth herein. Such a waiver of fine shall not apply to a second or subsequent fine assessed under this chapter.



CITY OF CAMBRIDGE

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MEMORANDUM

TO: Robert W. Healy, City Manager

FROM: Russell B. Higley, City Solicitor 

RE: **Council Order #56, 9/17/90**
Ordinance requiring Bicyclists to Wear Protective Helmets

DATE: May 1, 1991

RECEIVED
91 MAY -2 AM 8:34
OFFICE OF THE CITY MANAGER

Currently, there are two sections of the Massachusetts General Laws which govern bicyclists and protective helmets. They are as follows:

M.G.L. c. 85, §11B which requires bicycle passengers between the ages of one (1) and four (4) to wear a helmet. (Persons under age of one (1) are not allowed on a bicycle.)

M.G.L. c. 85, §11D which requires that every person selling or renting bicycles to display a sign that says, "It is highly recommended that a bicycle helmet be worn while riding a bicycle."

Currently, there are approximately three or four jurisdictions outside of Massachusetts that have enacted legislation in this regard; however, they only apply to children fifteen years or under.

It is possible that the proposed ordinance will be challenged on constitutional grounds; however, the United States Supreme Court has held that the Massachusetts statute requiring motorcyclists to wear protective headgear was not violative of due process, notwithstanding the claim that police power does

not extend to overcoming the right of an individual to incur risks that involve only himself, or herself, since the public has an interest in minimizing resources directly involved, in that from the moment of injury, society picks the person up off the highway, delivers the person to a municipal hospital and municipal doctors, provides the person with unemployment compensation if, after recovery, he/she cannot replace his/her lost job, and if injury causes permanent disability, assumes responsibility for the person's and the person's family's continued subsistence.

In response to the order of the City Council, we offer the attached proposed ordinance.

8.



CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

May 6, 1991

To The Honorable, The City Council:

In reference to Awaiting Report Item No. 31, regarding an ordinance requiring bicyclists to wear protective helmets, please find attached a response from Russell B. Higley, City Solicitor, relative to this matter.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachments

0-5b

CONSENT AGENDA

Awaiting Report Item No. 31 regarding an ordinance requiring bicyclists to wear protective helmets.

*12/9/91 Placed on file
without prejudice*

In City Council,

May 6, 1991

*Referred to the
Ordinance Committee
copy sent to Ordinance
Committee 5/9/91 (de)*