

RECORD OF ORDINANCE  
City of Grandview Heights

Ordinance No. 2017-16

Passed August 7, 2017

**An Ordinance to amend Chapter 373 of the Grandview Heights Codified Ordinances to require children riding bicycles to wear an approved helmet, and declaring it an emergency**

**WHEREAS**, it is the desire of Grandview Heights' City Council to protect the health, safety and welfare of the City's children by enacting a child helmet safety law; and

**WHEREAS**, one of the City's core values is to promote walking, biking, and alternative modes of transportation; and

**WHEREAS**, children commonly bike on the streets and sidewalks of the City with and without parents and are exposed to safety hazards and vehicle-related injuries, including those that arise from distracted driving; and

**WHEREAS**, according to the American Academy of Pediatrics, bike helmets are the single most effective way to reduce head injuries and fatalities resulting from bike crashes, with proper helmet usage having been demonstrated to reduce the risk of head injury by 85%, severe brain injury by 88%, and bicycle related fatalities by 75%; and

**WHEREAS**, statistics from the National Electronic Injury surveillance system of the U.S. Consumer Product Safety Commission show that bicycle accidents are a leading cause of traumatic brain injuries; and

**WHEREAS**, amending Chapter 373 of the Codified Ordinances to mandate that children wear an approved helmet when riding or operating a bicycle or other identified vehicles, as described below, will promote safe use and operation thereof and protect children from safety hazards and vehicle-related injuries; and

**WHEREAS**, consistent with the intent of this legislation, any fines generated from enforcement of this ordinance should be directed toward the promotion of cycling safety within the City, including but not limited to existing or additional bicycle safety awareness and education programming, signage and cycling infrastructure improvements.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Grandview Heights that:

**SECTION 1.** Chapters 301, entitled "**DEFINITIONS**" and 373, entitled "**BICYCLES AND MOTORCYCLES**" are hereby amended as follows:

**301.202 Other identified vehicles**

"Other identified vehicles" include, but are not limited to, scooters, skateboards, roller skates, in-line skates, roller blades and other similar vehicles, as well as low-horsepower motorized vehicles such as mini-motorcycles, motorized scooters, and other motorized

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vehicles under five horsepower, whether gasoline or electric-powered, that do not require a license to operate. This definition does not include golf carts or motorized wheelchairs.

**373.01 Code Application to Bicycles and other identified Vehicles.**

(a) The provisions of this Traffic Code shall apply to bicycles or other identified vehicles, as defined in Section 301.202, operated upon any street, sidewalk, public way, public path or public park area set aside for the use of bicycles or other identified vehicles, including any shared-use paths or those designated for the exclusive use of bicycles; and/or any other non-residential property.

(b) Except as provided in Section 373.02, a bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver license, commercial driver license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by the operator of a bicycle or other identified vehicle or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator, other identified vehicle's operator, or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles and other identified vehicles except those which by their nature are not applicable.

(f) Every person operating a bicycle or other identified vehicle shall obey the instructions of traffic control signals, signs, and other devices applicable to all motor vehicles, unless otherwise directed by a police officer.

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**373.02 Riding upon Seats; Handle Bars; Helmets and Glasses.**

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(j) (1) No person under the age of eighteen (18) years shall operate a bicycle or ride as a passenger on such device within the City of Grandview Heights unless such person is wearing a protective helmet on his or her head, with the chin strap securely fastened under the chin. Such helmet shall be appropriately fitted to the size of the operator and shall meet or exceed the standards set by the U.S. Consumer Product Safety Commission (CPSC). The CPSC's safety standards support the American Academy of Pediatrics' conclusion that infants (children under age 1) should not be passengers on a bicycle under any circumstance. The weight of children's helmets makes them unsuitable for use on infants' heads. This subsection shall not apply to any person operating a bicycle or riding as a passenger on such device on private residential property.

(2) No parent, guardian, or legal custodian shall permit a person under the age of eighteen (18) years to violate this subsection.

(3) Any person under the age of eighteen (18) years found in violation of this subsection shall be informed by the police of the violation and of the severe injuries which may result when an accident occurs to a child or person not wearing a helmet. The police may take possession of the bicycle and hold it until the parent, guardian, or legal custodian claims the bicycle and is informed by the police of the violation and of the severe injuries which may result.

(4) It shall be an affirmative defense to the first violation of this section that the parent, guardian, or legal custodian provides the City with proof of ownership of a protective helmet that is appropriately fitted to the size of the operator and that meets or exceed the standards set by the U.S. Consumer Product Safety Commission at or prior to the time for paying a citation or appearing in Mayor's Court, as further set forth in 373.99(b).

(5) Failure to wear a protective helmet as required in subsection shall not be considered to be comparative or contributory negligence on the part of the parent, guardian, custodian, person having custody or control, or person *in loco parentis* of a child nor on the part of the child nor shall such failure be admissible in any civil action.

(k) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

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**373.12 Shared Paths or Bicycle Paths.**

No person shall operate a motor vehicle or snowmobile, other than a City-authorized maintenance vehicle, upon any path set aside for the exclusive or shared use of bicycles when an appropriate sign giving notice of such use is posted on the path.

Nothing in this section shall be construed to affect any rule of the Ohio Director of Natural Resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under the Director's jurisdiction.

**373.99 Penalty.**

(a) Except as otherwise provided in this section, whoever violates this Chapter is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.53)

(b) An operator and/or passenger of a bicycle or other identified vehicle who is under the age of eighteen (18) years and who violates Chapter 373.02 and the parent, guardian, or legal custodian of said operator and/or passenger, may be issued a written warning detailing the violation, along with information concerning the dangers which result when an accident occurs to a person who is not wearing a helmet. For a first violation thereof, any penalty or fine may be waived when the parent, guardian, or legal custodian provides the City with proof of ownership of a protective helmet that is appropriately fitted to the operator and that meets or exceeds the standards set by the U.S. Consumer Product Safety Commission.

(c) On a second violation of Chapter 373.02 occurring within one year from the date of a written warning for operating a bicycle or other identified vehicle or being a passenger thereon, the parent, guardian, or legal custodian of said rider and or passenger shall be found guilty of an unclassified misdemeanor and subject to a fine in an amount not to exceed twenty-five dollars (\$25.00).

d) For each and every subsequent violation of Chapter 373.02, the fine shall not exceed fifty dollars (\$50.00).


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**SECTION 2.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and for the further reason that the health, safety and welfare of the community.

**SECTION 3.** This ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor; provided, however, that the first six (6) months following the effective date of this Ordinance shall serve as a grace period during which only verbal warnings will be issued.



Greta Kearns, President  
Grandview Heights City Council

ATTEST:




Deborah K. Nicodemus, CMC  
Clerk of Council

Approved as to form:



Marie-Joëlle C. Khouzam  
City Attorney

Approved      Not Approved  


Ray E. DeGraw, Mayor  
City of Grandview Heights

Date: 8-7-, 2017

Date: 9/4, 2017

I HEREBY CERTIFY THAT PUBLICATION OF THE FOREGOING  
ORDINANCE OF RESOLUTION WAS MADE BY POSTING TRUE  
COPIES THEREOF AT FIVE OF THE MOST PUBLIC PLACES IN  
GRANDVIEW HEIGHTS AS DETERMINED BY COUNCIL PURSU-  
ANT TO ORD. 50-80, TO WIT: GRANDVIEW HEIGHTS MUNICIPAL  
BUILDING, STEVENSON ELEMENTARY SCHOOL, EDISON  
ELEMENTARY SCHOOL, GRANDVIEW HEIGHTS HIGH SCHOOL,  
GRANDVIEW HEIGHTS PUBLIC LIBRARY, EACH FOR A PERIOD  
OFFIFTEEN DAYS COMMENCING ON THE 8 DAY OF  
September 2017

  
CLERK OF COUNCIL  
CITY OF GRANDVIEW HEIGHTS, OH