

Ordinance No. 273

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF MAGEE, MISSISSIPPI TO REQUIRE ALL  
PERSONS TO WEAR PROTECTIVE HELMETS WHEN RIDING  
A BICYCLE, EITHER AS AN OPERATOR OR A PASSENGER

Whereas, the Mayor and Board of Aldermen of the City of Magee are charged with the obligation to protect and preserve public health, safety, and welfare: and ,

Whereas, research has determined that two-thirds (2/3) of the deaths from bicycle/vehicle crashes are from traumatic brain injury; and,

Whereas, one in eight cyclist with reported injuries had a brain injury; and,

Whereas, and estimated 45% to 88% of cyclist brain injuries can be prevented by a helmet; and,

Whereas, the Mayor and Board of Aldermen of the City of Magee, Mississippi find that it would be in the best interest of its citizens that all operators and passengers of bicycles within the public areas of the City of Magee should wear protective helmets as a means to protect and preserve the public health, safety and welfare of its citizens and visitors.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Magee, Mississippi as follows, to wit:

Section 1.

It shall be unlawful for any person to operate, ride, or be a passenger upon a bicycle on any highway, street, road, sidewalk, bikeway, trail, city park, or other public property unless that person wears a protective helmet that is properly fitted and fastened. This requirement shall apply to a passenger who rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle.

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Section 2.

No parent or guardian of any unemancipated minor under eighteen (18) years of age shall knowingly allow the minor to violate this section.

Section 3.

Violation of this section shall constitute a civil offense and shall be punishable by a fine of not less than \$25.00 and more than \$75.00 for each offense.

Section 4.

The first time a person is charged with a violation of this section the court may dismiss the charge upon presentation of evidence that the person has purchased or obtained a protective helmet.

Section 5.

For purposes of this section, "protective bicycle helmet" means a helmet containing a manufacturers certification that it meets the standards of either the American National Standards Institute (ANSI), the American Society of Testing and Materials (ASTM), or the United States Consumer Products Safety Commission (CPSC).

Section 6.

If a child in violation of this ordinance is sixteen (16) years of age or younger, any citation shall be issued to the parent, legal guardian, or adult with custody or temporary custody, rather than to the child. If a child in violation of this ordinance is at least sixteen (16) years of age and is under eighteen (18) years of age, a citation shall be issued to the child or to the parent, legal guardian, or adult with custody or temporary custody.

Section 7.

This ordinance shall be in effect (30) days from and after publication.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Magee, Mississippi at its regular meeting held on the 16th day of June 2015.

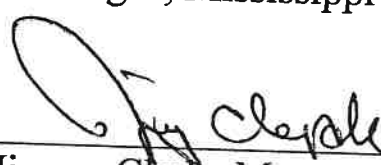
Motion made to adopt the foregoing Ordinance was made by Alderman Lane Steele and seconded by Alderman Eddie Loftin and the foregoing, having first been reduced to writing, was submitted to a roll call vote, the result was as follows.

Alderman Loftin	Yea
Alderman Keith	Absent and not voting
Alderman Steele	Yea
Alderman Brown	Yea
Alderman Berry	Yea

Whereupon, the Mayor declared the Ordinance carried and adopted.

The foregoing ordinance is approved this the 16<sup>th</sup> day of June 2015.

City of Magee, Mississippi

By:   
Jimmy Clyde, Mayor

Attest:

By:   
Twylla Grant, City Clerk