

**BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 325

AN ORDINANCE OF THE BOROUGH COUNCIL
OF THE BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA
REQUIRING BICYCLE OPERATORS AND PASSENGERS UNDER
AGE 16 TO WEAR APPROVED HELMETS AND PRESCRIBING
PENALTIES FOR VIOLATION THEREOF

BE IT ENACTED and ORDAINED by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1 - BICYCLE OPERATORS AND PASSENGERS UNDER AGE 16 REQUIRED TO WEAR HELMETS: A person under 16 years of age shall not operate or ride upon a bicycle as a passenger, unless that person is wearing a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling. This requirement shall apply to a person who rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle.

As used in this Act, "bicycle" means a vehicle with two wheels propelled solely by human power and having pedals, handle bars and a saddle-like seat. The term shall include a bicycle for two or more persons having seats and corresponding sets of pedals arranged in tandem.

SECTION 2 - PENALTY: A person who violates this ordinance shall be warned of a violation by the enforcing official. The parent or legal guardian of that person may also be fined a maximum of five (\$5.00) for the person's first offense, together with cost of prosecution, or a maximum of twenty-five (\$25.00) dollars for a subsequent offense. The fine imposed in this section for a failure to wear a helmet may be waived if the offender or his parent or legal guardian presents suitable proof that an approved helmet was owned at the time of the violation or has been purchased since the violation occurred.

SECTION 3 - REPEALER: All ordinances or parts of ordinances of the Borough of Orwigsburg in conflict herewith be and the same hereby are repealed.

SECTION 4 - SEVERABILITY: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Orwigsburg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 5 - EFFECTIVE DATE: This Ordinance shall become effective upon its adoption by the Borough Council of the Borough of Orwigsburg.

ENACTED AND ORDAINED this 9TH day of MARCH, 1994.

ATTEST:

BOROUGH OF ORWIGSBURG

Kathleen M. Consugar, Borough Secretary By: Charles J. Sterner
Kathleen M. Consugar, Secretary *Secy.* Charles J. Sterner, President

EXAMINED and APPROVED this 9TH day of MARCH, 1994.

Harry Moore, Mayor
Harry Moore, Mayor
Borough of Orwigsburg