

**ORDINANCE NO. 1424**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S TRAFFIC CODE; AMENDING SECTION 10.22.070 TO THE GIG HARBOR MUNICIPAL CODE TO CHANGE THE PRESCRIBED PENALTY FOR BICYCLE HELMET VIOLATIONS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City of Gig Harbor designates the lack of helmet use by bicycle riders as a Traffic Infraction with a monetary penalty of \$124 under Gig Harbor Municipal Code (GHMC 10.22.070); and

WHEREAS, the designation of such violation as a Traffic Infraction does not correspond to any similar violation of state law; and

WHEREAS, the designation of such violation as a Traffic Infraction within the Judicial Information System (JIS) requires a distribution of a portion of the fees collected to the State of Washington; and

WHEREAS, the designation of such violation as a Civil Infraction is consistent with the Gig Harbor Municipal Code to retain local jurisdiction of the violation; and

WHEREAS, the prescribed general penalties for infractions contained within the Gig Harbor Municipal Code 1.16.010 is (1) one thousand dollars, (2) five hundred dollars, or (3) one hundred dollars; and

WHEREAS, the City of Gig Harbor desires to bring Section 10.22.070 into alignment with Gig Harbor Municipal Code and to differentiate this section from state regulation;

Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 10.22.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**10.22.070 Penalties – Traffic Civil infraction.**

A. Any person violating any of the provisions of this chapter shall have committed a traffic civil infraction and shall be liable for monetary penalties ~~not to exceed \$124.00~~ of \$100.00.

B. The court may waive, reduce, or suspend the penalty and clear the citation as a warning for a person who has not been cited under this chapter within one year, and provides proof that he or she has acquired an approved bicycle helmet at the time of appearance in court.

C. A guardian may be cited for a separate violation of this chapter for each child under 16 years of age riding on or in tow of a bicycle not wearing an approved helmet.

D. Each rental and each event under subsection A of this section shall be a separate violation.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 23rd day of September, 2019.

CITY OF GIG HARBOR

Kit Kuhn  
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

Molly Towslee  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM: Daniel Kenny  
Office of the City Attorney

FILED WITH THE CITY CLERK: 08/19/19  
PASSED BY THE CITY COUNCIL: 09/23/19  
PUBLISHED: 10/03/19  
EFFECTIVE DATE: 10/08/19  
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