

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FARMINGTON, 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 Farmington 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**, an 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 Farmington, 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 Farmington 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 Farmington, 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, 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 or sidecar towed, pulled or propelled by the bicycle.

**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 with 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 ordinance, “protective bicycle helmet” means a helmet containing a manufacturer’s certification that it meets or exceeds 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.**

For purposes of this ordinance “bicycle” means a human-powered vehicle designed to transport, by the action of pedaling, one or more person seated on one or more seats on its frame propelled by one or more wheels, to include, but not limited to, unicycles, bicycles, tricycles and recumbent bi- or tri-cycles.

**Section 7.**

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 8.**

This ordinance shall be in effect thirty (30) days from and after its passage.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Farmington, Alcorn County, Mississippi, at its regular meeting held on the 20<sup>th</sup> of February, 2018.

MOTION made to adopt the foregoing Ordinance was made by Alderman Lowell Gann and **SECONDED** by Alderman Luther Rhodes and the foregoing, having first been reduced to writing, was submitted to a roll call vote, the result was as follows:

Alderman Lowell Gann	yea
Alderman Shane Harvell	yea
Alderman Jeff Patterson	absent
Alderman Johnny Potts	yea
Alderman Luther Rhodes	yea

Whereupon, the Mayor declared the Ordinance carried and the Ordinance adopted.

The foregoing Ordinance is approved this the 20<sup>th</sup> day of February, 2018.

CITY OF FARMINGTON, MISSISSIPPI

By: Dale Fortenberry  
Dale Fortenberry, Mayor

Attest:

By: Debra Jackson  
Debra Jackson, City clerk

