

RESOLUTION No. 30608

me

Supporting board of health approval of an amendment to the King County Health Code extending the mandatory bicycle helmet regulation to the City of Seattle with amendments as referenced in this resolution.

6/3/03 - passed amendment
2

Introduced:	JUN - 2 2003	By:	^{CONLIN} <i>Richard Conlin</i>
Referred:	JUN - 2 2003	To:	TRANSPORTATION
Referred:		To:	
Reported:	6-9-03		
Passed:	6-9-03	Signed:	<i>[Signature]</i> 6-9-03
Filed:	6/17/03	Published:	title 3818

- passed resolution

6-9-03 Adopted as Amm
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US5171

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ery

6/3/03 - passed amendments
2-0 yes
Conlin
McIver

- passed resolution unanimously
2-0 yes
Conlin
McIver

6-4-03 Adopted As Amended 9-0

~~CONLIN~~
Richard Conlin

TRANSPORTATION

6-9-03

3pp

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Moore
Hessner
Called 9/1/03

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sen
File name: Bicycle helmet resolution
Date 05/23/03
V 5

RESOLUTION 30608

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A RESOLUTION Supporting Board of Health approval of an amendment to the King County Health Code extending the mandatory bicycle helmet regulation to the City of Seattle with amendments as referenced in this Resolution.

WHEREAS, the King County Board of Health adopted a regulation in 1992 providing for the mandatory wearing of bicycle helmets in King County outside the City of Seattle; and

WHEREAS, with the merger of the Seattle and King County Boards of Health, regulation of bicycle helmets in Seattle now is within the jurisdiction of the King County Board of Health (the "Board of Health"); and

WHEREAS, the Board of Health has proposed an amendment to its regulations extending the regulation providing for the mandatory wearing of bicycle helmets to the City of Seattle; and

WHEREAS, the Board of Health has found that head injuries are a major cause of death and disability associated with the operation of a bicycle on public roadways and bike paths, that bicycle helmets have been shown to prevent head injuries suffered by bicycle riders during a crash or fall, and that evidence from other jurisdictions demonstrates that legislation mandating helmet usage is effective in increasing helmet use; and

WHEREAS, the Board of Health recognizes that mandatory helmet laws must be coordinated with education programs, provisions for low or no cost helmets for those who would find it a hardship to purchase a helmet, and other incentive and encouragement programs; and

WHEREAS, Public Health-Seattle and King County (the "Department"), the Seattle School District, the Seattle Police and Fire Departments, and organizations that promote bicycling intend to carry out education and incentive programs in conjunction with this legislation; and

WHEREAS, low or no-cost helmets can be obtained from the Brain Injury Association, the Cascade Bicycle Club, the Head Injury Hotline, Helmets R Us, the Odessa Brown Children's Clinic, Prorider.com, Think First of Washington, and the University of Washington Hall Health Primary Care Center.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

The Seattle City Council supports approval of extending the mandatory bicycle helmet regulations known as "King County Bicycle Helmet Regulations" in the King County Board of Health Code to the City of Seattle with the following conditions and amendments:

1. The Board direct the Department to encourage, support, and coordinate extensive education and effective incentive programs, and to ensure that the availability of free or low-cost helmets is widely publicized.

2. The Board consider an amendment with the following language: "The failure of a bicyclist or passenger on a bicycle to wear a helmet does not constitute negligence per se, nor reduce the amount of damages that may be payable in a civil action for personal injuries sustained by a bicyclist or a bicycle passenger, or in the event of either's death, by the survivor of a deceased bicyclist or bicycle passenger."

3. The Board include an amendment to Subsection 9.15.010 F of the King County Board of Health Code with the following language: "Alternatively, the person issued a notice of infraction may supply the Court with such proof by mail, and the Court, at its discretion, may elect to dismiss the notice of infraction without costs, or, if not satisfied with this proof, may require a personal appearance." The Council suggests that requiring a court

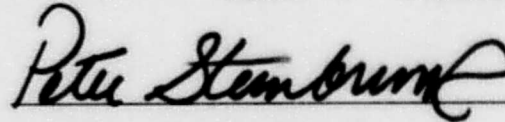
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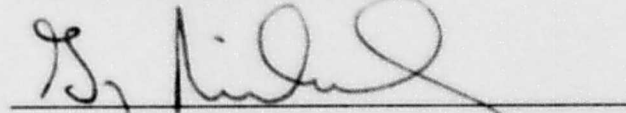
1 appearance in order to obtain dismissal of the notice may be a hardship for persons attending
2 school or working, and suggests that this addition should mitigate that while protecting the
3 Court's prerogative to require a personal appearance.
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5 Adopted by the City Council the 9th day of June, 2003, and signed by
6 me in open session in authentication of its adoption this 9th day of June, 2003.

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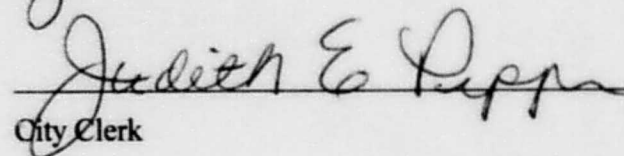
9 President of the City Council

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11 THE MAYOR CONCURRING:

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14 Mayor

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16 Filed by me this 17th day of June, 2003.

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19 City Clerk

20 (Seal)

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RESOLUTION

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A RESOLUTION SUPPORTING BOARD OF HEALTH APPROVAL OF AN AMENDMENT TO THE KING COUNTY HEALTH CODE EXTENDING THE MANDATORY BICYCLE HELMET REGULATION TO THE CITY OF SEATTLE WITH AMENDMENTS AS REFERENCED IN THIS RESOLUTION

WHEREAS, the King County Board of Health adopted a regulation in 1992 providing for the mandatory wearing of bicycle helmets in King County outside the City of Seattle; and

WHEREAS, with the merger of the Seattle and King County Boards of Health, regulation of bicycle helmets in Seattle now is within the jurisdiction of the King County Board of Health (the "Board of Health"); and

WHEREAS, the Board of Health has proposed an amendment to its regulations extending the regulation providing for the mandatory wearing of bicycle helmets to the City of Seattle; and

WHEREAS, the Board of Health has found that head injuries are a major cause of death and disability associated with the operation of a bicycle on public roadways and bike paths, that bicycle helmets have been shown to prevent head injuries suffered by bicycle riders during a crash or fall, and that evidence from other jurisdictions demonstrates that legislation mandating helmet usage is effective in increasing helmet use; and

WHEREAS, the Board of Health recognizes that mandatory helmet laws must be coordinated with education programs, provisions for low or no cost helmets for those who would find it a hardship to purchase a helmet, and other incentive and encouragement programs; and

WHEREAS, Public Health-Seattle and King County (the "Department"), the Seattle School District, the Seattle Police and Fire Departments, and organizations that promote bicycling intend to carry out education and incentive programs in conjunction with this legislation; and

WHEREAS, low or no-cost helmets can be obtained from the Brain Injury Association, the Cascade Bicycle Club, the Head Injury Hotline, Helmets R Us, the Odessa Brown Children's Clinic, Prorider.com, Think First of Washington, and the University of Washington Hall Health Primary Care Center.

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ACTING
CITY
CLERK

sen
File name Bicycle helmet resolution
Date 05/23/03
V 3

1 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
2 SEATTLE THAT:

3 The Seattle City Council supports approval of extending the mandatory bicycle
4 helmet regulations known as "King County Bicycle Helmet Regulations" in the King
5 County Board of Health Code to the City of Seattle with the following conditions and
6 amendments:

7 1. The Board direct the Department to encourage, support, and coordinate extensive
8 education and effective incentive programs, and to ensure that the availability of free or low-
9 cost helmets is widely publicized.

10
11 2. The Board include an amendment with the following language: "The failure of a
12 bicyclist or passenger on a bicycle to wear a helmet does not constitute negligence per se,
13 nor reduce the amount of damages that may be payable in a civil action for personal injuries
14 sustained by a bicyclist or a bicycle passenger, or in the event of either's death, by the
15 survivor of a deceased bicyclist or bicycle passenger." The Council emphasizes that passage
16 of the regulation without this amendment may jeopardize the ability of injured bicyclists to
17 receive appropriate compensation for injuries, and would not support application of the
18 regulation to Seattle without this clause.

19
20 3. The Board include an amendment to Subsection 9.15.010 F of the King County
21 Board of Health Code with the following language: "Alternatively, the person issued a
22 notice of infraction may supply the Court with such proof by mail, and the Court, at its
23 discretion, may elect to dismiss the notice of infraction without costs, or, if not satisfied with
24 this proof, may require a personal appearance." The Council suggests that requiring a court



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2 school or working, and suggests that this addition should mitigate that while protecting the
3 Court's prerogative to require a personal appearance.

4
5 Adopted by the City Council the ____ day of _____, 2003, and signed by
6 me in open session in authentication of its adoption this ____ day of _____, 2003.

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8 _____
9 President of the City Council

10
11 Filed by me this ____ day of _____, 2003.
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13 _____
14 City Clerk

15 (Seal)

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Adopted by the City Council the ____ day of _____, 2003, and signed by me in open session in authentication of its adoption this ____ day of _____, 2003.

President of the City Council

Filed by me this ____ day of _____, 2003.

City Clerk

(Seal)

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STATE OF WASHINGTON - KING COUNTY

--SS.

160507
City of Seattle, Clerk's Office

No. RESOLUTION TITLE ONLY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTRT:30610,30608,30601

was published on

7/2/2003

J. S.

Subscribed and sworn to before me on

7/2/2003

Melissa M. Pascua

Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following resolutions, passed by the City Council on June 9, 2003, and published here by title only, will be mailed, at no cost, on request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

RESOLUTION NO. 30610

A RESOLUTION affirming the City of Seattle's commitment to making the South Lake Union area the region's most competitive location for biotech research and manufacturing, clean energy, advanced energy technology research, manufacturing and distribution, other high-tech research and manufacturing, and other innovative entrepreneurial high-tech industries.

RESOLUTION NO. 30608

A RESOLUTION supporting board of health approval of an amendment to the King County Health Code extending the mandatory bicycle helmet regulation to the City of Seattle with amendments as referenced in this resolution.

RESOLUTION NO. 30601

A RESOLUTION to terminate the Elevated Transportation Company and authorizing the Mayor to oversee the disposition of its rights, assets, property, liabilities and obligations.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, July 2, 2003.

7/2(100507)

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