



# Ordinance

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

## ORDINANCE NO.259

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AMENDING CHAPTER 9 OF THE CITY CODE BY ADDING SECTION 9-1-8 PROVIDING FOR REQUIREMENT FOR HELMET USE; PROVIDING FOR PENALTIES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY**

BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona, as follows:

Section 1: Chapter 9 of the City Code of the City of San Luis, Arizona is hereby amended by adding Section 9-1-8 Requirement for Helmet Use as follows:

### Section 9-1-8 Requirement for Helmet Use

- (A) No person under 18 years of age shall ride a bicycle or be a passenger on a bicycle, ride in a restraining seat attached to a bicycle, or ride in a trailer towed by a bicycle unless that person is wearing a properly fitted and fastened bicycle helmet which meets the current standards of the American National Standards Institution for protective headgear.
- (B) It shall be unlawful for any person to rent or lease any bicycle to or for the use of a person under the age of 18 years unless;
  - (1) The person is in possession of a protective helmet meeting the standards set out above in division (A) of this section at the time of such rental or lease; or
  - (2) The rental or lease includes protective bicycle helmet meetings the standards set out above in division (A) of this section and the person agrees to wear the helmet at all times while operating or riding as a passenger on the bicycle.
- (C) A person regularly engaged in the business of selling bicycles shall provide any purchaser of a Bicycle with a written explanation, either on the receipt of sale or on a separate form indicating receipt of a written explanation of the provisions of divisions (A) and (C) of this section.

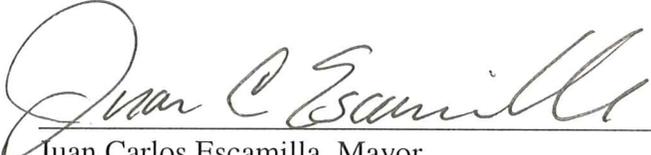
(D) Any person in violation of this section shall be found guilty of a civil infraction and be required to pay a minimum fine of \$50.00, which cannot be suspended except pursuant to division (E) of this section.

(E) The penalty provided in this section for a violation of this section may be waived if any offender presents suitable proof that an approved helmet has been purchased or otherwise obtained since the time of the violation and that the minor uses or intends to use said helmet whenever required to do so by this section.

Section 2: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

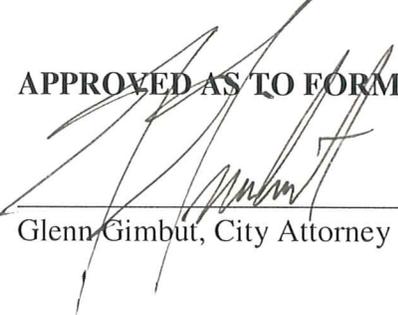
**PASSED AND ADOPTED** by the Mayor and Council of the City of San Luis, Arizona, this 23rd day of January, 2008.

  
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Juan Carlos Escamilla, Mayor

**ATTEST:**

  
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Sonia Cuello, City Clerk

**APPROVED AS TO FORM:**

  
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Glenn Gimbut, City Attorney