

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~XXXX~~ of _____ Niagara
~~XXXX~~
~~XXXX~~

Local Law No. _____ 5 _____ of the year 20⁰¹

A local law Requiring Young Persons Under Fourteen Years of Age Who Operate
(Insert Title)
or Ride Foot Powered Scooters or skateboards to Wear Protective
Safety Helmets

Be It enacted by the _____ Legislature _____ of the
(Name of Legislative Body)

County
~~XXXX~~ of _____ Niagara _____ as follows:
~~XXXX~~
~~XXXX~~

**ADOPTION OF A LOCAL LAW REQUIRING YOUNG PERSONS UNDER
FOURTEEN YEARS OF AGE WHO OPERATE OR RIDE FOOT POWERED
SCOOTERS OR SKATEBOARDS TO WEAR PROTECTIVE SAFETY HELMETS**

Section 1. Legislative Intent

The Legislature of Niagara County hereby finds that young person riding or operating foot powered scooters or skateboards on public and private roads, on sidewalks, and in other places are at risk of sustaining serious injury due to falls occurring while the operator is riding at high speed and that incidents of serious injuries are reduced by the wearing of safety helmets and other safety equipment. This law recognizes the danger of head injury associated with scooter and skateboard related accidents and hereby establishes protection for children under the age of fourteen years.

Section 2. Helmet Requirements

No person under age fourteen years shall operate a foot powered scooter or skateboard or ride as a passenger on a foot powered scooter unless such operator or passenger is wearing a helmet meeting the standards of the American National Standards Institute (Anzi Z 90.4 bicycle helmet standards) or of the Snell Memorial Foundation 1984 Standard for Protective Safety Commission, as last revised by said organizations. For the purposes of this law, "wearing a helmet," means having a helmet of good fit, fastened securely upon the head with the helmet straps.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Enforcement

The Niagara County Sheriff's Department, New York State Police and all local police authorities with jurisdiction within Niagara County shall take any and all actions to enforce this law in any court of competent jurisdiction. A police officer shall issue an appearance ticket or summons and local criminal court accusatory instrument, as those terms are defined in the Criminal Procedure Law, for a violation of Section 3 of this Law by a person less than fourteen years of age to the parent or guardian of such person, if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such appearance ticket or summons and local criminal court accusatory instrument shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age.

Section 4. Penalty

- a. Any person who receives an appearance ticket or summons and local criminal court accusatory instrument under Section 3 of this Act shall pay a fine not to exceed \$50.00;
- b. Waiver of Fine

The court may waive any fine for which a person who violates the provisions of Section 2 of this law if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet. Such waiver of said fine shall not apply to a second subsequent conviction under Section 3 of this law. The court may waive any fine for which a person who violates the provisions of Section 2 of this law if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from any statewide helmet distribution program, as established in Section 206 of the Public Health Law, or a local distribution program.

Section 5. No Effect Upon Personal Injury or Wrongful Death Lawsuit

The failure of any person to comply with the provisions of this law shall not constitute contributory negligence, or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

Section 6. Severability

If any part or provision of this local law or the application thereof to any person, entity, or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or the application directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of this local law or the application thereof to other persons, entities or circumstances.

Section 7. Effective Date

This local law shall become effective October 1, 2001.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 5 _____ of 20 01
of the (County)(City)(Town)(Village) of ~~County~~ Niagara was duly passed by the
Niagara County Legislature on August 21 20 01, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20 _____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 20 _____,
(Elective Chief Executive Officer)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20 _____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20 _____. Such local law was submitted
(Elective Chief Executive Officer)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of
the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in
accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20 _____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20 _____. Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in
accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

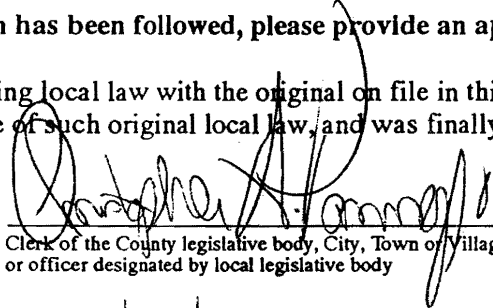
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 1_____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

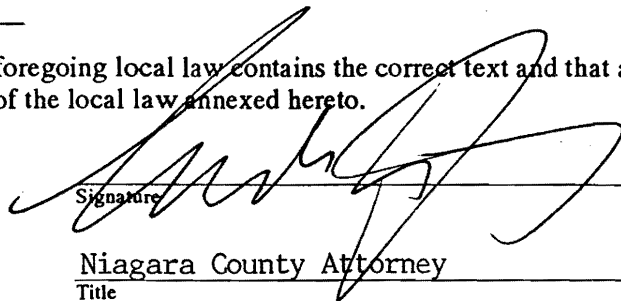
(Seal)

Date: 8/23/2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Niagara County Attorney
Title

County
~~XXXX~~ of Niagara
~~Town~~
~~Village~~

Date: August 23, 2001