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**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY**

AGENDA ITEM NAME: Ordinance 2008-13 Minors Wearing Safety Helmets on Public Property
Resolution R2008-80 (Minors Wearing Safety Helmets on Public Property)

ACTION REQUESTED: Discussion Approval

**BUDGET AMENDMENT
REQUIRED:** Yes No See Below

PUBLIC HEARING: Yes No

FIRST READING

SECOND READING

REQUEST: Council direction on whether it wishes to approve a Resolution or Ordinance creating a rule that equine riders under the age of 16 must wear safety helmets when riding on public property or enactment of an ordinance prohibiting equine riders under the age of 16 from riding on public property unless they are wearing safety helmets.

EXPLANATION: Pursuant to Council direction the attached Resolution and Ordinance have been prepared for consideration and approval. Both the resolution and the Ordinance mirror the proposed language of the Nicole Hornstein Bill that was proposed for passage on a statewide basis during the 2008 legislative session. Village staff is aware of three South Florida cities, Plantation, Davie, and Parkland, that have previously enacted very similar measures by ordinance.

While similar in intent, the difference between the Resolution and the Ordinance is the ordinance will allow the Village to ticket violators and penalize them monetarily whereas the Resolution would only require notice be given to the parent or legal guardian of the violator and a request to return back to their home location. The Ordinance would also allow penalties to be assessed against parents or persons charged with supervision of the juvenile riders, if they knowingly allow the youthful rider to go onto the public property. The proposed penalties contained in the ordinance are modeled after those in effect in Plantation and provide that first offenders do not get fined if they demonstrate to the Court that they own an approved safety helmet.

FISCAL IMPACT: None, as staff anticipates that the existing contingent of Deputies will be used to enforce the ordinance and the current Village staff would be used to enforce the Resolution.

RECOMMENDATION: The Village Manager seeks direction from Council on whether it wishes to adopt the proposed Resolution or Ordinance.

ORDINANCE NO. 2008-13

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO THE SAFETY OF HORSEBACK RIDING; AMENDING CHAPTER 62 "TRAFFIC AND VEHICLES" ARTICLE I. "GENERAL" BY ENACTING A NEW SECTION 62-21 "SAFETY HELMET REQUIRED FOR RIDING HORSES AND OTHER EQUINE ANIMALS" TO PROVIDE A REQUIREMENT FOR EQUINE RIDERS UNDER 16 YEARS OF AGE TO WEAR AN APPROVED SAFETY HELMET WHEN RIDING ON PUBLIC TRAILS, ROADWAYS AND PROPERTY, PROVIDING FOR PENALTIES, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING A SAYINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Wellington, Florida has determined that it is in the best interest of the health, safety and welfare of the residents of the Village to require that young equine riders must wear a safety helmet when riding on publicly owned and/or dedicated property.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL F THE VILLAGE OF WELLINGTON, FLORIDA that:

SECTION 1: Chapter 62 "Traffic and Vehicles" Article 1. "General" is hereby amended by enacting a new section 62-21 "Safety helmet required for riding horses and other equine animals" to read as follows:

Section 62-21. Safety Helmet required for riding horses and other equine animals.

- (a) It is the intent of the Village by enacting the section to promote safety, regulate traffic, and regulate lawful activities within defined public areas.
- (b) After October 1, 2008 an equine animal rider who is under sixteen (16) years of age must wear a helmet that meets the American Society of Testing and Materials (ASTM) standards which is properly fitted and fastened securely upon the rider's head by a strap, when riding in a public area. This requirement applies regardless of whether a rider is controlling the equine animal. As used within this "subsection, the term "equine animal" means a horse, pony, mule, or donkey. The term "public area" as used within this subsection means:
 - (1) All areas within the Village where the Village enjoys original jurisdiction to regulate traffic pursuant to the State Uniform Control Laws;
 - (2) All public parks or premises, public school sites, public equestrian trails, public recreational trails, or publicly owned or controlled property.
- (c) After October 1, 2008, no parent of any person under the age of sixteen (16) years and no guardian of any ward under the age of sixteen years may authorize or knowingly permit any such minor person or ward to violate any of the provisions of this section.
- (d) After October 1, 2008, no person may knowingly rent or lease any equine animal to be ridden by a person who is under the age of sixteen (16) years unless the prospective rider

possesses a helmet meeting the requirements of subsection (b) above or the lessor provides a helmet meeting such requirements for the prospective rider to wear.

- (e) Any person who violates this section may be issued a citation by a law enforcement officer for a fine of twenty-five dollars (\$25.00). The court must dismiss the charge against an equine animal rider for a first violation of this section of the Code upon proof of purchase of a helmet that complies with subsection (b) above. The court may waive, reduce, or suspend the payment of any fine imposed under this section, and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at an appropriate safety seminar.
- (f) This section does not apply to a person riding an equine when such rider is:
 1. Practicing for or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;
 2. Riding on privately owned land even if the land is occasionally separated by a public road or right of way that must be crossed; or
 3. Engaged in any agricultural practice or pursuit

SECTION 2: Codification of this Ordinance is hereby authorized and directed.

SECTION 3: Should any section paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part to be declared invalid.

SECTION 4: Should any section, paragraph, sentence, clause, or phrase of any prior Village Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 5: This Ordinance shall take effect on October 1, 2008.

PASSED this ____ day of June, 2008, upon first reading.

PASSED AND ADOPTED this ____ day of _____, 2008, on second and final reading.

VILLAGE OF WELLINGTON

	FOR	AGAINST
BY: _____ Mayor Darell Bowen	_____	_____
_____	_____	_____
Dr. Carmine Priore, Vice-Mayor		

Lizbeth Benacquisto, Councilwoman

Robert S. Margolis, Councilman

Matt Willhite, Councilman

ATTEST:

BY: _____
Awilda Rodriquez, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Jeffrey S. Kurtz, Village Attorney

RESOLUTION NO. 2008-80

A RESOLUTION OF THE VILLAGE OF WELLINGTON, FLORIDA, ADOPTING A RULE FOR ALL PUBLICLY MONITORED TRIALS AND ROADWAYS WITHIN THE VILLAGE THAT ALL EQUINE RIDERS UNDER 16 YEARS OF AGE SHALL BE REQUIRED TO WEAR A SAFETY HELMET WHEN RIDING ON THE TRIALS AND ROADWAYS.

WHEREAS, the Village Council of the Village of Wellington has determined that on any and all publicly monitored trials and roadways it is in the interest of public health safety and welfare that your riders wear safety helmets; and

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA that:

SECTION 1: The Village Council hereby adopts the following regulation for usage of all public roads and trials within the Village of Wellington, after October 1, 2008 an equine animal rider who is under sixteen (16) years of age must wear a helmet that meets the American Society of Testing and Materials (ASTM) standards (or any other nationally recognized standard for equine helmets adopted by the police department through a police chief's executive order) which is properly fitted and fastened securely upon the rider's head by a strap, when riding in a public area. This requirement applies regardless of whether a rider is controlling the equine animal. As used within this "subsection, the term "equine animal" means a horse, pony, mule, or donkey. The term "public area" as used within this subsection means:

- (2) All areas within the city where the city enjoys original jurisdiction to regulate traffic pursuant to the State Uniform Control Laws;
- (3) All public parks or premises, public school sites, public equestrian trails, public recreational trails, or public owned or controlled property.

Any person who violates this section may be requested by a Village employee to identify themselves and return back to the property which the animal they are riding is stabled. The Village employee shall attempt to contact the parent or legal guardian of the rider to inform them of the child's failure to wear an appropriate safety helmet.

This regulation does not apply to a person riding an equine when such rider is:

1. Practicing for or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;
2. Riding on privately owned land even if the land is occasionally separated by a public road or right of way that must be crossed; or
3. Engaged in any agricultural practice or pursuit

SECTION 2: Should any section paragraph, sentence, clause, or phrase of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part to be declared invalid.

SECTION 3: Should any section, paragraph, sentence, clause, or phrase of any prior Village Resolution, then in that event the provisions of this Resolution shall prevail to the extent of such conflict.

SECTION 4: This Resolution shall take effect upon adoption.

PASSED and **ADOPTED** on this _____ day of June, 2008.

ATTEST:

VILLAGE OF WELLINGTON

BY: _____
Awilda Rodriquez, Village Clerk

BY: _____
Darell Bowen, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Jeffrey S. Kurtz, Village Attorney