

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**
2 **Amending Chapter 6, Bicycles, Article I Entitled, "In General," Sec. 6-1 and Sec. 6-**
3 **4, and to Article II Entitled "Equipment and Operating Rules," Sec. 6-19, Sec 6-23,**
4 **Sec 6-24, Sec. 6-29 and Sec. 6-32 and Repealing Article II, Sec. 6-18, Sec. 6-25, Sec.**
5 **6-26 and Sec. 6-30 to conform to state code changes made by the 2019 Virginia**
6 **General Assembly and remove provisions that unnecessarily duplicate the Code**
7 **of Virginia.**

8
9 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Sections 6-1
10 and 6-4 of Article I, and Sections 6-19, 6-19, 6-23, 6-24, 6-25, 6-26, 6-29, 6-30 and 6-32
11 of Article II, Chapter 6 of the City Code of the City of Hampton, Virginia be adopted to
12 read as follows:

13
14 **Chapter 6 – BICYCLES; *MOTORIZED SKATEBOARDS AND SCOOTERS, ETC.***

15
16
17 **ARTICLE I. – IN GENERAL**

18
19 **Sec. 6-1. - Definitions.**

20 ~~As used in this chapter, the word "bicycle" means a device propelled solely by~~
21 ~~human power, upon which a person may ride either on or astride a regular seat~~
22 ~~attached thereto, having two or more wheels in tandem, including children's bicycles,~~
23 ~~except a toy vehicle intended for use by young children.~~

24 ~~As used in this chapter, the word "electric power-assisted bicycle" means a~~
25 ~~vehicle that travels on not more than three wheels in contact with the ground and is~~
26 ~~equipped with (i) pedals that allow propulsion by human power and (ii) an electric~~
27 ~~motor with an input of no more than 1,000 watts that reduces the pedal effort required~~
28 ~~of the rider.~~

29 *All definitions of words or phrases contained in the Code of Virginia § 46.2-100*
30 *shall apply to such words and phrases when used in this chapter, unless clearly*
31 *indicated to the contrary.*

32 ~~**State Law reference**— Similar definition, Code of Virginia, § 46.2-100.~~

33

34 **Sec. 6-4. - Adoption of state law.**

35 Pursuant to the authority of § 46.2-1313 of the Code of Virginia, all of the
36 provisions and requirements of the laws of the state contained in Title 46.2 of the
37 Code of Virginia which pertain to use, operation, ownership or storage of bicycles,

38 *electric personal assistive mobility devices, electric power-assisted bicycles, mopeds,*
39 *toy vehicles, motor-driven cycles or motorized skateboards or scooters,* except those
40 provisions and requirements the violation of which constitutes a felony, and except
41 those provisions and requirements which, by their very nature, cannot have
42 application to or within the city, are hereby adopted and incorporated in this chapter by
43 reference and made applicable within the city. Reference to "highways of the state"
44 contained in such provisions and requirements hereby adopted shall be deemed to
45 refer to streets, highways and other public ways within the city. Such provisions and
46 requirements are hereby adopted and made part of this chapter as if fully set forth
47 herein, and it shall be unlawful for any person within the city to violate or fail, neglect
48 or refuse to comply with any provision of Title 46.2 of the Code of Virginia, which is
49 adopted by this section; provided, that in no event shall the penalty imposed for the
50 violation of any provisions or requirement hereby adopted exceed the penalty imposed
51 for a similar offense under Title 46.2 of the Code of Virginia.

52

53 **ARTICLE II. - EQUIPMENT AND OPERATING RULES**

54

55 **Sec. 6-17 – 6-18. - Reserved.**

56 **Sec. 6-18. – Lamps and reflectors.**

57 ~~(a) Every bicycle, electric personal assistive mobility device, electric power-assisted~~
58 ~~bicycle, and moped when in use between sunset and sunrise shall be equipped~~
59 ~~with a headlight on the front emitting a white light visible in clear weather from a~~
60 ~~distance of at least five hundred (500) feet to the front and a red reflector visible~~
61 ~~from a distance of at least six hundred (600) feet to the rear when directly in front~~
62 ~~of lawful lower beams of headlights on a motor vehicle. Such lights and reflector~~
63 ~~shall be of types approved by the Superintendent of the department of state~~
64 ~~police of the commonwealth.~~

65

66 ~~In addition to the foregoing provisions of this section, a bicycle or its rider may be~~
67 ~~equipped with lights or reflectors. These lights may be steady burning or blinking.~~

68 ~~(b) Every bicycle, or its rider, shall be equipped with a taillight on the rear emitting a~~
69 ~~red light plainly visible in clear weather from a distance of at least five hundred~~
70 ~~(500) feet to the rear when in use between sunset and sunrise and operating on~~
71 ~~any highway with a speed limit of thirty five (35) mph or greater. Any such~~
72 ~~taillight shall be of a type approved by the Superintendent.~~

73

74 ~~State Law reference— Similar provisions, Code of Virginia, § 46.2-1015.~~

75. **Sec. 6-19. - Brake.**

76 Every bicycle, electric power-assisted bicycle, *motorized skateboard or scooter*,
77 and moped, when operated on a highway, shall be equipped with a brake that will
78 enable the operator to make the braked wheels skid on dry, level, clean pavement.
79 Every electric personal assistive mobility device, when operated on a highway, shall
80 be equipped with a system that, when activated or engaged, will enable the operator
81 to bring the device to a controlled stop.

82 **State Law reference—** Similar provisions, Code of Virginia, § 46.2-1066; *authority to*
83 *regulate motorized skateboards or scooters, Code of Virginia § 46.2-1315.*

84 **Sec. 6-23. - Applicability of traffic regulations to riders.**

85 (a) Every person riding a bicycle, electric personal assistive mobility device,
86 electric power-assisted bicycle, moped, *motorized skateboard or scooter*, or an
87 animal or driving an animal on a street or highway shall be subject to the
88 provisions of Code of Virginia, § 46.2-800 et seq. or Chapter 21 of this Code
89 and shall have all of the rights and duties applicable to the driver of a vehicle,
90 unless the context of the provision clearly indicates otherwise.

91

92 (b) The provisions of subsections A and C of Virginia Code, § 46.2-920,
93 applicable to operation of emergency vehicles under emergency conditions,
94 shall also apply, mutatis mutandis, to bicycles, electric personal assistive
95 mobility devices, electric power-assisted bicycles, ~~and mopeds~~, *and motorized*
96 *skateboards or scooters* operated under similar emergency conditions by law-
97 enforcement officers.

98

99 (c) Every person riding a bicycle, electric personal assistive mobility device,
100 electric power-assisted bicycle, moped, *motorized skateboards or scooters*, or
101 an animal on a street or highway shall ride in the same direction as all other
102 traffic.

103

104 **State Law reference—** Similar provisions, Code of Virginia, § 46.2-800.

105. **Sec. 6-24. - Compliance with traffic-control devices.**

106 Any person operating a bicycle, *electric personal assistive mobility device, electric*
107 *power-assisted bicycle, moped, or motorized skateboard or scooter*, shall obey the
108 instructions of official traffic-control signals, signs and other devices applicable to

109 vehicles, unless otherwise directed by a police officer. Whenever authorized signs are
110 erected indicating that no right, left or U-turn is permitted, no person operating a
111 bicycle, *electric personal assistive mobility device, electric power-assisted bicycle,*
112 *moped, or motorized skateboard or scooter,* shall disobey the direction of any such
113 sign, except where such person dismounts from the bicycle *device* to make any such
114 turn, in which event such person shall then obey the regulations applicable to
115 pedestrians.

116 **Sec. 6-25. – ~~6-26 - Reserved.~~ Duty to ride close to right-hand edge of roadway.**

117 ~~Any person operating a bicycle, electric personal assistive mobility device, electric~~
118 ~~power-assisted bicycle, or moped on a roadway at less than the normal speed of~~
119 ~~traffic at the time and place under conditions then existing shall ride as close as safely~~
120 ~~practicable to the right curb or edge of the roadway, except under any of the following~~
121 ~~circumstances:~~

122 ~~(1) When overtaking and passing another vehicle proceeding in the same direction;~~
123

124 ~~(2) When preparing for a left turn at an intersection or into a private road or~~
125 ~~driveway;~~
126

127 ~~(3) When reasonably necessary to avoid conditions including, but not limited to,~~
128 ~~fixed or moving objects, parked or moving vehicles, pedestrians, animals,~~
129 ~~surface hazards, or substandard width lanes that make it unsafe to continue~~
130 ~~along the right curb or edge;~~
131

132 ~~(4) When avoiding riding in a lane that must turn or diverge to the right; and~~
133

134 ~~(5) When riding upon a one-way road or highway, a person may also ride as near~~
135 ~~the left hand curb or edge of such roadway as safely practicable.~~
136

137 ~~For purposes of this section, a "substandard width lane" is a lane too narrow for a~~
138 ~~bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or~~
139 ~~moped and another vehicle to pass safely side by side within the lane.~~

140 **State Law reference** — ~~Similar provisions, Code of Virginia, § 46.2-905.~~

141 **Sec. 6-26. – ~~Riding two or more abreast.~~**

142 ~~Persons riding bicycles, electric personal assistive mobility devices, or electric~~
143 ~~power-assisted bicycles on a highway shall not ride more than two (2) abreast.~~
144 ~~Persons riding two (2) abreast shall not impede the normal and reasonable movement~~
145 ~~of traffic, shall move into a single file formation as quickly as is practicable when being~~

146 overtaken from the rear by a faster moving vehicle, and, on a laned roadway, shall
147 ride in a single lane.

148 ~~State Law reference—~~ Similar provisions, Code of Virginia, § 46.2-905.

149

150 **Sec. 6-29. - Riding on sidewalks within public rights-of-way.**

151 (a) Whenever any person shall ride a bicycle, *electric personal assistive mobility*
152 *device, motorized skateboard or scooter, motor-driven cycle, or electric power-*
153 *assisted bicycle* on the sidewalk within public rights-of-way, whether paved or
154 unpaved, such person shall yield the right-of-way to any pedestrian, shall give
155 an audible signal before overtaking and passing any pedestrian, and shall ride
156 in single file. Permissive use of a sidewalk within public rights-of-way does not
157 apply where there is a usable bike path.

158 (b) No person except a police officer while on patrol shall ride a bicycle, *electric*
159 *personal assistive mobility device, motorized skateboard or scooter, motor-*
160 *driven cycle, or electric power-assisted bicycle*, upon any sidewalk within
161 public rights-of-way, whether paved or unpaved, in (i) any area where the main
162 entrance/exit to a building directly opens onto a sidewalk within public rights-
163 of-way (e.g., certain areas of Phoebus and Downtown), or (ii) any area actively
164 being used for a special public event, or (iii) any area where "no bike riding"
165 signage *prohibiting the activity* is conspicuously posted.

166 (c) A violation of any provision of this section shall be punishable by a civil penalty
167 of not more than \$50.00.

168 ~~State Law reference—~~ Authority to prohibit riding *certain devices* bicycles on
169 sidewalks, Code of Virginia, § 46.2-904.

170 **Sec. 6-30. - ~~Reserved.~~ Manner of parking.**

171 ~~Bicycles shall be parked in such a manner that they will not interfere with~~
172 ~~pedestrians or motor vehicle traffic.~~

173 (~~Ord. No. 676, 12-10-80; Code 1964, § 25.1-277; Ord. No. 1436, 11-15-06~~)

174

175 **Sec. 6-32. - Bicycle ~~h~~Helmets.**

- 179 (a) Every person ~~fourteen~~(14) years of age or younger shall wear a protective
180 helmet that at least meets the Consumer Product Safety Commission standard
181 whenever riding or being carried on a bicycle, an electric personal assistive
182 mobility device, *a toy vehicle, a motorized skateboard or scooter*, or an electric
183 power-assisted bicycle on any highway as defined in Code of Virginia, § 46.2-
184 100, sidewalk, or public bicycle path.
- 185
- 186 (b) Violation of this section shall be punishable by a fine to twenty-five dollars
187 (\$25.00). However, such fine shall be suspended (i) for first-time violators and
188 (ii) for any violator who, subsequent to the violation but prior to imposition of
189 the fine, purchases a helmet of the type required by this section.
- 190
- 191 (c) Pursuant to section 46.2-906.1 of the Code of Virginia, 1950, as amended,
192 violation of this section shall not constitute negligence, or assumption of risk,
193 be considered in mitigation of damages of whatever nature, be admissible in
194 evidence, or be the subject of comment by counsel in any action for the
195 recovery of damages arising out of the operation of any bicycle, electric
196 personal assistive mobility device, or electric power-assisted bicycle, nor shall
197 anything in this section change any existing law, rule, or procedure pertaining
198 to any civil action.

199

200 **State Law reference—** Authority for above section, Code of Virginia, § 46.2-906.1;
201 *authority to regulate motorized skateboards or scooters, Code of Virginia § 46.2-1315.*