

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Repealing**  
2 **Chapter 6, Bicycles, Article 1, In General, Sec. 6-5, and Article II, Equipment and Operating**  
3 **Rules, Sec. 6-17, Sec. 6-20 through Sec. 6-22, and Sec. 6-28 and Amending Chapter 6, Bicycles,**  
4 **Article I, In General, Sec. 6-1, and Sec. 6-4, and Article II, Equipment and Operating Rules, Sec.**  
5 **6-23 and Sec. 6-29 to make the City Code consistent with state laws.**

6  
7 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 6 of the City Code  
8 of the City of Hampton, Virginia be amended to read as follows:  
9

10 **CHAPTER 24. BICYCLES**

11  
12 **ARTICLE I. IN GENERAL**

13  
14 **Sec. 6-1. - Definitions.**

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16 As used in this chapter, the word "bicycle" means a device propelled solely by human power, upon  
17 which a person may ride either on or astride a regular seat attached thereto, having two (2) or more  
18 wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children.

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

23 ~~Other words and terms used in this chapter and which are defined in section 21-1 of this Code shall,~~  
24 ~~for the purposes of this chapter, have the meanings ascribed to them in section 21-1.~~

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

26 ...  
27

28 **Sec. 6-4. – *Adoption of State Law* Report of sale generally.**

29  
30 *Pursuant to the authority of § 46.2-1313 of the Code of Virginia, all of the provisions and*  
31 *requirements of the laws of the state contained in Title 46.2 of the Code of Virginia which pertain to use,*  
32 *operation, ownership or storage of bicycles, except those provisions and requirements the violation of*  
33 *which constitutes a felony, and except those provisions and requirements which, by their very nature,*  
34 *cannot have application to or within the city, are hereby adopted and incorporated in this chapter by*  
35 *reference and made applicable within the city. Reference to "highways of the state" contained in such*  
36 *provisions and requirements hereby adopted shall be deemed to refer to streets, highways and other*  
37 *public ways within the city. Such provisions and requirements are hereby adopted and made part of this*  
38 *chapter as if fully set forth herein, and it shall be unlawful for any person within the city to violate or fail,*  
39 *neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia, which is adopted by*  
40 *this section; provided, that in no event shall the penalty imposed for the violation of any provisions or*  
41 *requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code*  
42 *of Virginia. Any person selling a bicycle within the city shall notify the police department of such sale*  
43 *within ten (10) days after the date thereof. Failure to make such notification shall constitute a Class 1*  
44 *misdemeanor.*

45 **Sec. 6-5. – *Reserved*. Dealers' report of sales and purchases.**  
46

47 ~~(a) — Every person engaged in the business of buying or selling new or secondhand bicycles shall make~~  
48 ~~a report to the chief of police of every bicycle purchased or sold by such dealer, within ten (10) days of the~~  
49 ~~transaction, giving the name and address from whom purchased or to whom sold, a description of such~~  
50 ~~bicycle by name or make, the frame number thereof, and the number of the license plate, if any, found~~  
51 ~~thereon.~~

52  
53 ~~(b) — A violation of this section shall constitute a Class 1 misdemeanor.~~

54  
55 **ARTICLE II. EQUIPMENT AND OPERATING RULES**

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57 ...

58  
59 **Sec. 6-17. — *Reserved*. Impoundment of bicycle involved in violation of article.**

60  
61 In addition to any penalty imposed pursuant to section 6-16, upon the violation of any of the  
62 provisions of this article, the police division may impound the bicycle involved in such violation for a period  
63 of not more than ten (10) days. In the event an operator of a bicycle shall violate any such provisions  
64 three (3) or more times within any yearly period, the police division may impound the bicycle for a period  
65 of not over thirty (30) days; provided, however, that any person aggrieved by the enforcement of this  
66 provision shall have a right of appeal, within three (3) days after such impounding, to the general district  
67 court of the city and such appeal shall stay the execution of the impoundment until determined by the  
68 court. Nothing herein contained shall prevent the court from imposing a greater penalty; provided,  
69 however, that the impounding of any bicycle shall not exceed ninety (90) days.

70 ...

71  
72 **Sec. 6-20. — *6-22 - Reserved*. Bell or other warning device.**

73 No person shall operate a bicycle upon a street or highway, unless it is equipped with a bell or other  
74 device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a  
75 bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

76 **Sec. 6-21. — Use of permanent seat.**

77 A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached  
78 thereto.

79 **Sec. 6-22. — Carrying passengers.**

80 It shall be unlawful for any person to carry another person on a bicycle, unless the bicycle is designed and  
81 equipped to carry another person.

82 **State Law reference** — Similar provisions, Code of Virginia, § 46.2-906.

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

84

85 **(a)** Every person riding a bicycle, electric personal assistive mobility device, electric power-  
86 assisted bicycle, moped, or an animal or driving an animal on a *street or* highway shall be subject to the  
87 provisions of Code of Virginia, § 46.2-800 et seq. or Chapter 21 of this Code and shall have all of the

88 rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates  
89 otherwise.

90 (b) The provisions of subsections A and C of Virginia Code, § 46.2-920, applicable to  
91 operation of emergency vehicles under emergency conditions, shall also apply, mutatis mutandis, to  
92 bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds  
93 operated under similar emergency conditions by law-enforcement officers.

94 (c) *Every person riding a bicycle, electric personal assistive mobility device, electric power-*  
95 *assisted bicycle, moped, or an animal on a street or highway shall ride in the same direction as all other*  
96 *traffic.*

97

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

99 ...

### 100 **Sec. 6-28. – *Reserved.* Required use of bicycle paths.**

101 ~~Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall~~  
102 ~~use such path and shall not use the roadway except under any of the following circumstances:~~

- 103 (1) ~~When overtaking and passing another bicycle proceeding in the same direction;~~  
104 (2) ~~When preparing for or making a left turn at an intersection or into a private road or~~  
105 ~~driveway, or avoiding riding in a lane that must turn or diverge to the right; or~~  
106 (3) ~~When reasonably necessary to avoid conditions including, but not limited to, fixed~~  
107 ~~or moving objects, parked or moving vehicles, pedestrians, animals, or surface~~  
108 ~~hazards that make it unsafe to continue in the bicycle path.~~

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

110

111 (a) Whenever any person shall ride a bicycle on the sidewalk within public rights-of-way, whether  
112 paved or unpaved, such person shall yield the right-of-way to any pedestrian, shall give an audible signal  
113 before overtaking and passing any pedestrian, and shall ride in single file. Permissive use of a sidewalk  
114 within public rights-of-way does not apply where there is a usable bike path.

115

116 (b) No person except a police officer while on patrol shall ride a bicycle upon any sidewalk within  
117 public rights-of-way, whether paved or unpaved, in (i) any area where the main entrance/exit to a building  
118 directly opens onto a sidewalk within public rights-of-way (e.g., certain areas of Phoebus and Downtown),  
119 or (ii) any area actively being used for a special public event (e.g., Bay Days), or (iii) any area where "no  
120 bike riding" signage is conspicuously posted.

121

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

124

125 **State Law reference**— Authority to prohibit riding bicycles on sidewalks, Code of Virginia, § 46.2-904