



Legislation Text

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

**PURPOSE/BACKGROUND:**

The 2019 Virginia General Assembly made amendments to the Code of Virginia to define motorized skateboards and scooters and enact regulations for such devices. This amendment is designed to conform the City Code to those regulations and remove provisions that duplicate the state code.

**Recommendation:**

Adopt this ordinance amendment.

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Sections 6-1 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 of Article II, Chapter 6 of the City Code of the City of Hampton, Virginia be adopted to read as follows:

**Chapter 6 - BICYCLES; MOTORIZED SKATEBOARDS AND SCOOTERS, ETC.**

**ARTICLE I. - IN GENERAL**

**Sec. 6-1. - Definitions.**

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

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

Pursuant to the authority of § 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia which pertain to use, operation, ownership or storage of bicycles, electric personal assistive mobility devices, electric

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

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## ARTICLE II. - EQUIPMENT AND OPERATING RULES

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### Sec. 6-17 - 6-18. - Reserved.

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

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

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

### Sec. 6-23. - Applicability of traffic regulations to riders.

- (a) Every person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, motorized skateboard or scooter, or an animal or driving an animal on a street or highway shall be subject to the provisions of Code of Virginia, § 46.2-800 et seq. or Chapter 21 of this Code and shall have all of the rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.
- (b) The provisions of subsections A and C of Virginia Code, § 46.2-920, applicable to operation of emergency vehicles under emergency conditions, shall also apply, mutatis mutandis, to bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds, and motorized skateboards or scooters operated under similar emergency conditions by law-enforcement officers.

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

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

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

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter, shall obey the instructions of official traffic-control signals, signs and other devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter, shall disobey the direction of any such sign, except where such person dismounts from the bicycle device to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

**Sec. 6-25. - 6-26 - Reserved.**

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

- (a) Whenever any person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on the sidewalk within public rights-of-way, whether paved or unpaved, such person shall yield the right-of-way to any pedestrian, shall give an audible signal before overtaking and passing any pedestrian, and shall ride in single file. Permissive use of a sidewalk within public rights-of-way does not apply where there is a usable bike path.
- (b) No person except a police officer while on patrol shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle, upon any sidewalk within public rights-of-way, whether paved or unpaved, in (i) any area where the main entrance/exit to a building directly opens onto a sidewalk within public rights-of-way (e.g., certain areas of Phoebus and Downtown), or (ii) any area actively being used for a special public event, or (iii) any area where signage prohibiting the activity is conspicuously posted.
- (c) A violation of any provision of this section shall be punishable by a civil penalty of not more than \$50.00.

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

**Sec. 6-30. - Reserved.**

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**Sec. 6-32. - Helmets.**

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

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