



Appendix J

**City Codes Applicable to
Bikeways and Trails**

City Codes applicable to Bikeways and Trails

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City Code as of February 15,
2011

CHAPTER 7 BICYCLES AND OTHER WHEELED DEVICES

ARTICLE I. - IN GENERAL

Sec. 7-1. - Definitions.

For the purposes of this Chapter, the terms "all-terrain vehicle," "bicycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "golf cart," "highway," "low speed vehicle," "moped," "motor-driven cycle," "motorized scooter," "motorized skateboard," "vehicle," "wheelchair," and "wheel chair conveyance" are defined as set forth in Code of Virginia §§ 46.2-100 and 46.2-1993, as amended. Additionally, the following words shall have the meanings ascribed to them in this section, unless clearly indicated to the contrary:

Resort area: The area, from and including, the sidewalk on the west side of Pacific Avenue to the Atlantic Ocean between Rudee Inlet and 42nd Street.

Resort season: The time period from May 1st through September 30th.

Riding: This term is used interchangeably throughout this Chapter with the term "operation".

Surrey: A four-wheeled pedal-powered vehicle capable of seating two (2) or more persons.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-2. - Violations of Chapter generally.

Except as otherwise specifically provided, any person who shall violate any provision of this Chapter shall be guilty of a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00).

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-3. - Inspections.

A police officer at any time, upon reasonable cause to believe that a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter, golf cart, low-speed vehicle, surrey or moped is unsafe and not equipped as required by this chapter or that the equipment is not in proper adjustment or repair, may require the person riding such wheeled device or vehicle to stop and submit the wheeled device or vehicle to an inspection and such test with reference thereto as may be appropriate.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

ARTICLE II. - POSSESSION, SALE, RENTAL AND REGISTRATION OF WHEELED DEVICES

Sec. 7-4. - Violations of Article.

Unless otherwise specifically provided, a violation of any provision of this Article II shall constitute a Class 3 misdemeanor.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-5. - Removing, altering, etc. identification numbers.

It shall be unlawful for any person to remove, change, alter or mutilate the frame number of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter, golf cart, low-speed vehicle, surrey or moped.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-6. - Dealer not to sell bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter, golf cart, low-speed vehicle, surrey or moped without an identification number.

No person engaged in the business of selling bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycle, motorized skateboard, motorized scooter golf carts, low-speed vehicles, surreys or mopeds at retail shall sell any such wheeled device or vehicle unless the wheeled device or vehicle has an identifying number permanently stamped or cast on its frame.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-6.1. - Stickers required on mopeds, motorized skateboards and motorized scooters.

Any person who offers for rent or lease any moped, motorized skateboard or motorized scooter shall affix to any such moped, motorized skateboard or motorized scooter, or verify that there is affixed, a permanent decal or sticker which states that the operation of mopeds, motorized skateboards or motorized scooters on highways and public vehicular areas by persons under the age of sixteen (16) for mopeds, or under the age of fourteen (14) (unless under the immediate supervision of a person who is at least eighteen (18) years old) for motorized skateboards or motorized scooters, is prohibited by Virginia law.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-7. - Record to be kept by dealers in secondhand bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters, golf carts, low-speed vehicles, surreys or mopeds.

Every person engaged in the business of buying, selling, exchanging or trading in used or secondhand bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters, golf carts, low-speed vehicles, surreys or mopeds shall keep a record of all such transactions, including the make and frame number, and the name and address of the person from whom purchased or acquired or to whom sold and delivered, as the case may be, or each such wheeled device or vehicle purchased, sold or exchanged. Such records shall be open for police inspection.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-8. - Dealers not to purchase secondhand bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters golf carts, low-speed vehicles, surreys or mopeds from minors.

It shall be unlawful for any person engaged in the business of buying, selling, exchanging or trading in used or secondhand bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters, golf carts, low-speed vehicles, surreys or mopeds, to purchase any such secondhand wheeled device or vehicle from a person under eighteen (18) years of age.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-9. - Rental agencies to comply with equipment requirements; advertising prohibitions.

No rental agency or other establishment shall rent or offer for rent any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter, golf cart, low-speed vehicle, surrey or moped, unless such wheeled device or vehicle is equipped with all safety equipment required by this Chapter. No such agency or establishment shall rent or offer to rent any such wheeled device or vehicle which displays any signage or other advertising matter for use on the boardwalk or bicycle path east of Atlantic Avenue except for one (1) sign not exceeding one (1) square foot in area and displaying only the name and location of the rental agency or establishment.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-10. - Signs required at rental agencies.

(a) Mopeds. Each owner of a business intending to rent or lease mopeds to the public shall post a clearly legible sign in a prominent place on his premises where such sign will be seen and read by a reasonably observant customer. Such sign shall contain the following information:

- (1) Operators must be sixteen (16) years or older.
- (2) Valid identification is required of all customers.
- (3) Customers must be familiar with and obey traffic laws. Violations will be prosecuted by

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police.

(4) Riding is prohibited on the Boardwalk and the adjacent grassy area and bicycle path, oceanfront parks and plazas, the beach, all city sidewalks;

(5) Riding is prohibited on Atlantic Avenue from May 1st through September 30th.

(b) Low-speed vehicles. Each owner of a business intending to rent or lease low-speed vehicles to the public shall post a clearly legible sign in a prominent place on his premises where such sign will be seen and read by a reasonably observant customer. Such sign shall contain the following information:

(1) Operators must be sixteen (16) years or older to operate.

(2) Valid driver's license is required of all customers.

(3) Customers must be familiar with and obey traffic laws. Violations will be prosecuted by police.

(4) Operation is prohibited on the boardwalk and the adjacent grassy area and bicycle path, oceanfront parks and plazas, the beach, and all sidewalks.

(c) Electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards and motorized scooters. Each owner of a business intending to rent or lease electric personal assistive mobility devices, electric power-assisted bicycles and motorized skateboards and motorized scooters to the public shall post a clearly legible sign in a prominent place on his premises where such sign will be seen and read by a reasonably observant customer. Such sign shall contain the following information:

(1) Operator must be fourteen (14) years or older unless under the immediate supervision of a person who is at least eighteen (18) years old.

(2) Valid identification is required of all customers.

(3) Customers must be familiar with and obey traffic laws. Violations will be prosecuted by police.

(4) Riding is prohibited on the boardwalk and adjacent grassy area and bicycle path, oceanfront parks and plazas, the beach and all sidewalks in the resort area.

(5) Riding is prohibited on Atlantic Avenue from May 1st through September 30th.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-11. - Restrictions on renting mopeds, low-speed vehicles, electric personal assistive mobility devices, electric power-assisted bicycles motorized skateboards or motorized scooters.

It shall be unlawful for an owner, manager, operator or employee of a business engaged in the rental of mopeds, low-speed vehicles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or motorized scooters to:

(1) Lease or rent a moped or low-speed vehicle to any person under sixteen (16) years of age.

(2) Lease or rent, or offer to lease or rent, a moped which produces speeds in excess of thirty-five (35) miles per hour on a level surface.

(3) Lease or rent, or offer to lease or rent, a low-speed vehicle which produces speeds in excess of twenty-five (25) miles per hour on a level surface.

(4) Lease, rent, offer to lease or rent an electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or motorized scooter to any person under fourteen (14) years old unless such person is under the immediate supervision of a person who is at least eighteen (18) years of age.

(5) Require or accept as security or surety any operator's license, military identification card or other permit or pass issued by any state or federal agency.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Secs. 7-12—7-20. - Reserved.

Sec. 7-21. - Authority to register.

Anyone may register a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter or moped in the City as provided in this Article.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-22. - Application.

(a) The registration of bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters or mopeds shall be upon written application therefore made to the treasurer of the city, on forms provided for that purpose.

(b) All persons engaged in the business of selling bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters or mopeds shall have application forms or registration available to all persons buying such wheeled devices or vehicles.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-23. - Reserved.

Sec. 7-24. - Fee.

The fee for registration of a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter or moped under this Article shall be one dollar (\$1.00), which fee shall be paid to the City Treasurer at the time of such registration.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-25. - Issuance of card and decal.

(a) Upon proper application and the payment of the registration fee provided for in this Article, the Treasurer of the City shall issue to such applicant a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter or moped registration card and a decal, to be affixed to such wheeled device or vehicle, bearing the registration number assigned to the wheeled device or vehicle and the name of the City.

(b) Disabled applicants desiring to use an electric personal assistive mobility device, power-assisted bicycle or an electric or gas-powered seated scooter (excluding mopeds, mini choppers, motor-driven cycles and pocket bikes or similar devices) in lieu of a wheelchair or wheel chair conveyance as a mode of transportation, shall so indicate on the application form and a special plate, tag or adhesive decal for the disabled shall be issued upon proper application and payment of the prescribed fee.

(c) No person shall be required to register or obtain any plate, tag or decal or pay any registration fee for any self-propelled wheelchair or self-propelled wheelchair conveyance provided it is:

- (1) Operated by a person who is capable of operating it properly and safely but who, by reason of physical disability, is otherwise unable to move about as a pedestrian; and
- (2) Not operated on any highway or street in the City except to the extent necessary to cross the street or highway.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Secs. 7-26—7-28. - Reserved.

Sec. 7-29. - Replacement of mutilated, lost or stolen decal.

When any decal issued under this Article is badly mutilated, lost, stolen or misplaced and cannot be found, upon presentation to the Treasurer of the City of satisfactory evidence of such fact and proof of ownership, together with payment of a fee of twenty-five cents (\$0.25), the Treasurer shall issue another decal and shall change the registration of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter or moped in question accordingly.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

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Sec. 7-30. - Records to be kept.

The Treasurer of the City shall maintain a complete record of all bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters or mopeds registered pursuant to this Article, showing the name, address and phone number of such wheeled device or vehicle, the number of the decal issued therefore and a record of all fees collected by him under this Article.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-31. - Disposition of fees.

Fees collected under this Article shall be used for the purpose of defraying the costs and expenses incident with the registration of bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters or mopeds and for carrying out the provisions of this Chapter.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-32. - Disposition of unclaimed bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters, golf carts or mopeds in custody of police department.

The disposition of unclaimed bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motor-driven cycles, motorized skateboards, motorized scooters, golf carts, low-speed vehicles, surreys or mopeds in the custody of the police department shall be in accordance with the provisions of Article II of Chapter 27 of this Code.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Secs. 7-33—7-45. - Reserved.

ARTICLE III. - EQUIPMENT AND LOCAL OPERATING RULES [51]

Sec. 7-46. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-46 of the Code, which pertained to violations of article and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-47. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-47 of the Code, which pertained to lights and reflectors and derived from Ord. No. 2848, adopted Oct. 26, 2004; and Ord. No. 2881, adopted June 14, 2005.

Sec. 7-48. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-48 of the Code, which pertained to brakes and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-49. - Safety equipment required, moped operators and passengers.

(a) Every person operating a moped on a public street or highway of the city shall wear a face shield, safety glasses or goggles approved by the superintendent of state police, or shall have his moped or gas-powered wheeled device equipped with safety glass or a windshield at all times while operating such vehicle; and any operator and any passengers thereon, if any, shall wear protective helmets of a type approved by the superintendent of the state police.

(b) Any person who knowingly violates this Section shall be guilty of a traffic infraction and shall be subject to a fine of not more than fifty dollars (\$50.00).

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-50. - Helmets required for riders of bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards and motorized scooters fourteen years of age or younger.

(a) Every person fourteen (14) years or younger shall be required to wear a protective helmet which meets the standards promulgated by the Consumer Product Safety Commission Stan-

dards whenever riding or being carried on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or motorized scooter on any highway, street, sidewalk or bicycle path.

(b) A violation of any provision of this section shall be punishable by fine of twenty-five dollars (\$25.00). However, with respect to any person riding or being carried on a bicycle, electric personal assistive mobility device, electric-powered-assisted bicycle, motorized skateboard or motorized scooter, such fine shall be suspended (i) for first-time violators or (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.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-51. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-51 of the Code, which pertained to mopeds and gas-powered wheeled devices not to be operated by persons under sixteen; speed limit; identification and sticker required; penalty and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-51.1. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-51.1 of the Code, which pertained to special provisions for electric personal assistive mobility devices, electric power-assisted bicycles, and electric-powered wheeled devices and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-51.2. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-51.2 of the Code, which pertained to special provisions for low-speed vehicles and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-51.3. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-51.3 of the Code, which pertained to special provisions for all-terrain vehicles and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-52. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-52 of the Code, which pertained to regulations pertaining to riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, electric-powered wheeled devices, gas-powered wheeled devices and mopeds on roadways and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-52.1. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-52.1 of the Code, which pertained to overtaking and passing vehicles and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-52.2. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-52.2 of the Code, which pertained to left turns by bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, electric-powered wheeled devices, gas-powered wheeled devices and mopeds and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-53. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-53 of the Code, which pertained to applicability of traffic regulations to riders and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-54. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-54 of the Code, which pertained to compliance with traffic signals and police directions and derived from Ord. No. 2848, adopted Oct. 26, 2004.

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Sec. 7-55. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-55 of the Code, which pertained to signals and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-56. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-56 of the Code, which pertained to use of seat required; carrying excess passengers and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-57. - Reserved.

Editor's note— Ord. No. 2952, adopted June 27, 2006, repealed former § 7-57 of the Code, which pertained to rider to keep one hand on handlebars and derived from Ord. No. 2848, adopted Oct. 26, 2004.

Sec. 7-58. - Operation of other wheeled devices.

Unless specifically authorized by a franchise or permit granted by city council, Code of Virginia, tit. 46.2, or this chapter, it shall be unlawful for any person to operate any type of wheeled device or vehicle on any city street, in the Resort Area or at Town Center.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06; Ord. No. 3083, 5-12-09)

Sec. 7-59. - Regulations pertaining to riding on city sidewalks and bicycle paths other than the resort area.

(a) It shall be unlawful for any person to ride a moped or motor-driven cycle on any sidewalk or designated bicycle route within the City.

(b) Except as otherwise provided in this Chapter, riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or motorized scooter is permitted on the sidewalks and designated bicycle paths of the City.

(c) A person riding a bicycle, electric personal assistive mobility device, motorized skateboard, motorized scooter or electric power-assisted bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian, shall give an audible signal before overtaking and passing such pedestrian, and shall dismount and walk the bicycle, electric personal assistive mobility device, motorized skateboard, motorized scooter or electric power-assisted bicycle when necessary to avoid physical contact with any person; and

(d) A violation of this Section shall be punishable by a civil penalty of not more than fifty dollars (\$50.00).

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-59.1. - Regulations pertaining to riding wheeled devices or vehicles in the resort area.

(a) During the resort season, it shall be unlawful for any person to ride an electric personal assistive mobility device, electric power-assisted bicycle, moped, motorized skateboard or motorized scooter on Atlantic Avenue.

(b) It shall be unlawful at any time for any person to ride on any sidewalk in the resort area an all-terrain vehicle, a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motorized skateboard, motorized scooter, skateboard, scooter, or any pedal-powered vehicle that is muscle-powered or any muscle-powered device. However, the use of roller blades and roller skates is permitted. A violation of this sub-section shall be punished by a civil penalty of not more than fifty dollars (\$50.00).

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-59.2. - Regulations pertaining to riding on the beach or the boardwalk.

(a) It shall be unlawful for any person to ride on the beach, upon sand dunes or on the boardwalk a motor vehicle, an all-terrain vehicle, a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motor-driven cycle, motorized skateboard, motorized scooter, moped, scooter, skateboard or a pedal-powered vehicle that is muscle-powered or any other muscle-powered device, unless specifically authorized in a special event permit.

(b) The use of roller blades and roller skates on the boardwalk is permitted.

(c) Reserved.

(Ord. No. 2848, 10-26-04; Ord. No. 2943, 5-23-06; Ord. No. 2952, 6-27-06)

Editor's note— Ord. No. 2943, adopted May 23, 2006, stated that the provisions of subsection (c) shall expire on September 30, 2006. Said provisions pertained to the use of electric personal assistive mobility on the boardwalk permitted pursuant to a temporary permit authorized by the City Manager.

Sec. 7-59.3. - Regulations pertaining to riding wheeled devices or vehicles on the grassy area or bicycle path adjacent to the boardwalk and oceanfront parks and plazas.

(a) It shall be unlawful for any person to ride on the bicycle path adjacent to the boardwalk an all-terrain vehicle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter, moped, roller blades, roller skates, scooters or skateboards or a pedal-powered vehicle that is muscle-powered or any other muscle-powered device other than a bicycle as defined in this chapter.

(b) It shall be unlawful to ride an all-terrain vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter, moped, roller blades, roller skates, scooters or skateboards or a pedal-powered vehicle that is muscle-powered or any other muscle-powered device on the grassy area adjacent to the boardwalk and the oceanfront parks and plazas. Provided, however, that bicycles are allowed in the oceanfront plazas for the purpose of accessing the bicycle path adjacent to the boardwalk.

(c) Surreys shall be permitted on the bicycle path and the oceanfront plazas subject to the provisions of this Chapter.

(d) For purposes of this Section the term "oceanfront parks" refers to the grassy and non-grassy areas of the parks located at 7th, 13th, 17th, 24th, 25th, and 31st Streets. The term "oceanfront plazas" or "plazas" refers to the paved areas connecting Atlantic Avenue to the bicycle path.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-59.4. - Regulations pertaining to riding wheeled devices in Town Center.

(a) It shall be unlawful for any person to ride on any sidewalk or plaza in the Town Center an all-terrain vehicle, bicycle, electrical personal assistive mobility device, electric power-assisted bicycle, motor-driven cycle, motorized skateboard, motorized scooter, moped, roller blades, roller skates, scooters or skateboards, or a pedal-powered vehicle that is muscle-powered or any other muscle-powered device.

(b) For purposes of this Section, the term "Town Center" means the area bounded by and including the sidewalk on the south side of Virginia Beach Boulevard, the Norfolk Southern Corporation property line, the sidewalk on the east side of Independence Boulevard, and the sidewalk on the west side of Constitution Drive.

(c) A violation of this Section shall be punished by a civil penalty of not more than fifty dollars (\$50.00).

(Ord. No. 2861, 1-25-05; Ord. No. 2952, 6-27-06)

Editor's note— Ord. No. 2861, adopted Jan. 25, 2005 added new provisions to the Code as § 7-59.4 and renumbered former § 7-59.4 as § 7-59.5.

Sec. 7-59.5. - General provisions applicable to Sections 7-59.1 through 7-59.5.

(a) For purposes of Sections 7-59.1 through 7-59.4, the term "scooter" is a muscle-powered device having two (2) or more wheels, a platform on which the rider stands, and a steering mechanism such as handlebars.

(b) The provisions of Section 7-59.1 through 7-59.4 shall not be applicable to the use of baby carriages, strollers or related modes of transportation of infants, or the use of wheelchairs and wheelchair conveyance used for the transportation of disabled persons or electrical personal assistive mobility devices, electric power-assisted bicycles or motorized scooters equipped with a seat used for the transportation of disabled persons for either a (i) state-issued placard for the disabled has been issued and is prominently displayed thereon or (ii) special decal has been issued by the city pursuant to section 7-25 and is prominently displayed thereon.

(c) The prohibitions set forth in Sections 7-59.1 through 7-59.4 shall not be applicable to city employees or city contractors on officials business, or to employees of any franchise or permittee authorized to provide services at Town Center, or on the beach, boardwalk and adjacent

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bicycle path, oceanfront parks and plaza, while on duty, or when authorization is granted by the City Manager or his designee for special events.

(Ord. No. 2848, 10-26-04; Ord. No. 2861, 1-25-05; Ord. No. 2952, 6-27-06)

Note—See the editor's note to § 7-59.4.

Sec. 7-60. - Reckless riding; speed.

(a) No person shall ride a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter, low-speed vehicle or moped recklessly or at a speed faster than is reasonably proper, or in a manner so as to endanger the life, limb or property of the rider or of any other person.

(b) It shall be unlawful for any person to use or operate roller blades, roller skates or any similar devices on wheels or runners whether such use is permitted or not, recklessly or at a speed faster than is reasonably proper, or in a manner so as to interfere with pedestrians or to endanger the life, limb or property of the rider or any other person.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-61. - Racing.

(a) Bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or motorized scooter, low-speed vehicle or moped racing on the highways is prohibited except as authorized in this Section.

(b) Bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter, low-speed vehicle or moped racing on a highway shall not be unlawful when a racing event has been approved by the City Manager on any highway under the jurisdiction of the City. Approval of bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter, low-speed vehicle or moped highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(c) By agreement with the approving authority, participants in an approved bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter, low-speed vehicle and moped highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-62. - Clinging to vehicles.

No person riding upon any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter, low-speed vehicle, moped, roller skates, skateboards, toys, other devices on wheels or runners shall attach the same or himself to any moving vehicle upon a roadway.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-63. - Parking of bicycles and other wheeled devices.

(a) Except as otherwise prohibited or restricted by an official traffic-control device, a person may park a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motorized skateboard, motorized scooter, or moped on a sidewalk in such manner so as to not impede the normal and reasonable movement of pedestrian or other traffic.

(b) Except as otherwise prohibited by this Code, a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motorized skateboard, motorized scooter, low-speed vehicle or moped may be parked on the roadway at any angle to the curb or edge of the roadway or abreast of another such wheeled device or vehicle, but in such manner so as not to (i) impede the normal and reasonable movement of vehicular or pedestrian traffic, or (ii) obstruct the movement of a legally parked motor vehicle.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

Sec. 7-64. - Use of earphones while operating a bicycle, electric personal assistive mobility

device, electric power-assisted bicycle, motorized skateboard, motorized scooter or moped.

(a) It shall be unlawful for any person to operate a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, motorized scooter or moped on the highways in the city while using earphones on or in both ears.

(b) For the purposes of this Section, "earphones" shall mean any device worn on or in both ears that converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but shall not include any prosthetic device that aids the hard of hearing.

(Ord. No. 2848, 10-26-04; Ord. No. 2952, 6-27-06)

FOOTNOTE(S):

(51) Editor's note— Ord. No. 2952, adopted June 27, 2006, changed the title of Art. III of this chapter from "Equipment and Operating Rules" to "Equipment and Local Operating Rules." (Back)

ARTICLE IV. - REGULATION OF GOLF CARTS

Sec. 7-65. - Golf cart operation, generally.

No person shall operate a golf cart on or over any highway, bike path or sidewalk in the city except as provided in this article.

(Ord. No. 2848, 10-26-04)

Sec. 7-66. - Designation of City highways for golf cart operation; posting of signs.

(a) Pursuant to Section 46.2-916.2 of the Code of Virginia, city council may authorize by ordinance, the operation of golf carts on designated public highways within the City after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's statewide pedestrian policy. No City highway shall be designated for use by golf carts if such golf cart operations will impede the safe and efficient flow of motor vehicle traffic, or if the highway's posted speed limit is greater than twenty-five (25) miles per hour.

(b) All requests made to have specific highways designated for golf cart use shall be directed to the Traffic Engineering Office of Public Works.

(c) Any City highway designated for golf cart operations shall be posted with signs indicating this designation. The organization, individual or entity requesting a highway designation allowing golf cart operations shall reimburse the City its actual cost for the installation and continued maintenance of such signs.

(d) The following City streets located in the specified neighborhoods are approved for golf cart operation in accordance with the provisions of this Article:

(1) Heron Ridge Estates - Couples Court, Heron Ridge Lane, Heron Ridge Drive, Lynx Drive, Lynx Court and Ryan Court.

(Ord. No. 2848, 10-26-04; Ord. No. 2920, 1-31-06)

Sec. 7-67. - Limitations.

Golf cart operations on designated city highways shall be in accordance with the following limitations:

(1) No person shall operate a golf cart on a city highway unless that highway is designated for golf cart operations and is posted with the required sign.

(2) No golf cart shall be driven across any highway at an intersection where the highway being crossed has a posted speed limit of more than twenty-five (25) miles per hour.

City Codes applicable to Bikeways and Trails

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(3) No person shall operate any golf cart on any designated city highway unless he has in his possession a valid driver's license.

(4) No golf cart shall be operated on any designated city highway without displaying a slow-moving vehicle emblem in conformity with Virginia Code section 46.2-1081.

(5) No person shall operate any golf cart on any designated city highway between sunset and sunrise, unless equipped with lights as required by section 21-141 of this Code.

(Ord. No. 2848, 10-26-04)

Sec. 7-68. - Exceptions.

The limitations set forth in section 7-67(1) and (2) above shall not apply to golf carts being operated as follows:

(1) To cross a highway from one (1) portion of a golf course to another portion thereof or to another adjacent golf course; or to travel between a person's home and golf course if (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than thirty-five (35) miles per hour;

(2) To the extent necessary for city employees and city contractors to fulfill a governmental purpose, or as otherwise authorized by the city manager or his designee, provided the golf cart is not operated on a city highway with a posted speed limit over thirty-five (35) miles per hour;

(3) As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart is being operated on highways with speed limits of thirty-five (35) miles per hour or less.

(Ord. No. 2848, 10-26-04)

Secs. 7-69, 7-70. - Reserved.

ARTICLE V. - SURREYS

Sec. 7-71. - Use of surreys at resort area.

(a) A surrey that has a permit issued by the city manager or his designee may be operated on the resort area bike path or the connecting oceanfront plazas. Such operation shall be subject to the following restrictions.

(b) It shall be unlawful for any person to operate a surrey or any similar device on the resort area boardwalk or its adjacent grassy areas, in resort area parks, or on resort area sidewalks and streets from Rudee Inlet to 42nd Street and from the sandy beach to Parks Avenue.

(c) It shall be unlawful for any person to operate a surrey in a manner that blocks traffic on the bicycle path, interferes with pedestrians, or endangers the life, limb or property of the operator or any other person.

(d) It shall be unlawful for any person under fourteen (14) years of age to operate a surrey unless under the immediate supervision of a person who is at least eighteen (18) years of age.

(e) It shall be unlawful for any person to provide or offer to provide a surrey for operation in the resort area that does not have a permit issued by the city manager.

(f) It shall be unlawful for any person to store or park any surrey on city property without the written authorization of the city manager or his designee.

(g) The resort management office shall provide all surrey rental businesses the date and times that permitted boardwalk events will necessitate closing of the bike path. It shall be unlawful to provide rental surreys to customers during those designated time periods.

(Ord. No. 2869, 5-10-05)

ORDINANCES RELATED TO PEDESTRIANS

Sec. 23-7.5. - Duty to obey traffic signs and signals and orders of police officers.

Pedestrians shall obey signs and signals erected on highways or streets for the direction and control of travel and traffic and they shall obey the orders of police officers engaged in directing travel and traffic on the highways and streets. Violations of this section shall be punished by a fine not exceeding two hundred dollars (\$200.00) for each offense.

(Ord. No. 2903, 12-13-05)

Sec. 33-9. - Congregations obstructing streets or sidewalks.

It shall be unlawful for any persons to congregate in such a manner so as to block, hinder, impede or obstruct the free and uninterrupted passage of vehicular or pedestrian traffic on the streets or sidewalks in the city. Any person who violates the provisions of this section shall be guilty of a class 4 misdemeanor.

(Code 1965, 23-36.2)

City Codes applicable to Bikeways and Trails

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1 RESOLUTION SUPPORTING MULTI-MODAL
2 ACCOMMODATIONS FOR INTERIM
3 IMPROVEMENTS TO THE CITY RIGHTS-OF-WAY
4
5

6 **WHEREAS**, the City Council of the City of Virginia Beach is concerned with making
7 reasonable accommodations for the various users of the City's public roads, including
8 motor vehicles, pedestrians and bicyclists; and
9

10 **WHEREAS**, the City Council desires to provide accommodations for multiple modes
11 of transportation within its rights-of-way; and
12

13 **WHEREAS**, current standards and practices require multi-modal accommodations,
14 including bicycle and pedestrian accommodations, whenever possible and feasible when
15 permanent roadway improvements are designed to their ultimate width and location as
16 shown in the Master Transportation Plan; and
17

18 **WHEREAS**, the City Council also desires, when roadway improvements of an
19 interim nature are being designed, that reasonable accommodations be made to enhance
20 the safety of pedestrians and bicyclists, if feasible.
21

22 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**
23 **VIRGINIA BEACH, VIRGINIA:**
24

25 When roadway improvements of an interim nature are being designed, reasonable
26 accommodations to enhance the safety of pedestrians and bicyclists shall be included in
27 the plans, if feasible, as dictated by project purpose, project site constraints and project
28 budget.
29

30 Adopted by the Council of the City of Virginia Beach, Virginia, on the 22nd day of
31 January, 2008.

APPROVED AS TO CONTENT:



Department of Public Works

APPROVED AS TO LEGAL
SUFFICIENCY:



City Attorney's Office

CA10333

R-1

12/27/07

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REQUESTED BY COUNCILMEMBER WILSON

1 RESOLUTION SUPPORTING ON-ROAD BICYCLE ACCOMMODATIONS

2
3 WHEREAS, the City Council of the City of Virginia Beach desires to make
4 reasonable accommodations for the various users of the City's public roads, including
5 motor vehicles, pedestrians and bicyclists; and
6

7 WHEREAS, in 2004, City Council amended the Master Transportation Plan
8 component of the Comprehensive Plan to incorporate a Bikeways and Trails Plan;
9

10 WHEREAS, the Bikeways and Trails Plan calls for a comprehensive system of
11 bikeways and trails, including multi-modal accommodations, but it does not specifically
12 address on-road bicycle lanes;
13

14 WHEREAS, on-road bicycle accommodations include Bike Lanes, Wide Curb
15 Lanes, certain shoulder improvements, and certain signage and road markings for
16 shared-lane use, as well as other physical improvements and traffic control devices as
17 established in professional guidelines and standards issued by the American
18 Association of State Highway and Transportation Officials ("AASHTO"), the Virginia
19 Department of Transportation ("VDOT"), the Federal Highway Administration ("FHWA")
20 Manual for Uniform Traffic Control Devices ("MUTCD"), and other recognized
21 authorities;
22

23 WHEREAS, on-road bicycle accommodations, in particular bike lanes, are
24 preferred by many long-distance, sport, and higher speed cyclists, and dedicated
25 bicycle facilities better protect the safety of both bicyclists and motorists; and
26

27 WHEREAS, on-road bicycle accommodations not only could be incorporated into
28 certain roadway projects in addition to multi-modal accommodations and sidewalks, but,
29 in some instances, also could be included as part of roadway projects for which multi-
30 modal accommodations are not feasible.
31

32 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
33 VIRGINIA BEACH, VIRGINIA:
34

35 That the City Manager or designee shall conduct a review of the Bikeways and
36 Trails Plan component of the Comprehensive Plan, in consultation with the Bikeways
37 and Trails Advisory Committee, with an emphasis on identifying existing and proposed
38 roadways that would be appropriate for the inclusion of on-road bicycle
39 accommodations, and, where feasible, incorporate such accommodations into existing
40 or planned road improvement projects.

City Codes applicable to Bikeways and Trails

Appendix J

Adopted by the Council of the City of Virginia Beach, Virginia, on the 25th
day of August, 2009.

APPROVED AS TO LEGAL
SUFFICIENCY:



City Attorney's Office

CA11255 R-4 August 11, 2009