

ORDINANCE NO. 19-9(3)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, is hereby amended as follows:

By Adding:

- Article IX. Bicycles, Electric Power-assisted Bicycles, Motorized Skateboards or Scooters, and Mopeds
- Sec. 9-900 Riders subject to traffic laws, etc.
- Sec. 9-901 Required equipment for bicycles, electric power-assisted bicycles, and motorized skateboards or scooters.
- Sec. 9-902 Riding on roadways generally.
- Sec. 9-903 Riding on sidewalks.
- Sec. 9-904 Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.
- Sec. 9-905 Rider not to attach vehicle or himself to another vehicle.
- Sec. 9-906 Riding on handlebars.
- Sec. 9-907 Riding with more than one person on a motorized skateboard or scooter.
- Sec. 9-908 Report of certain vehicle accidents.
- Sec. 9-909 Disposition of unclaimed bicycles, mopeds, etc.
- Sec. 9-910 Unlawful to ride motorized skateboard or scooter while using earphones.
- Article X. Permit Program for Dockless Mobility Devices for Hire
- Sec. 9-1000 Purpose and persons covered.
- Sec. 9-1001 Definitions.
- Sec. 9-1002 Permit requirement.
- Sec. 9-1003 County Executive authorized to promulgate regulations.
- Sec. 9-1004 Maximum fleet size.
- Sec. 9-1005 Review of permit applications.
- Sec. 9-1006 Suspension or revocation of permits.
- Sec. 9-1007 Appeals.

Chapter 9. Motor Vehicles and Traffic

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**Article IX. Bicycles, Electric Power-assisted Bicycles,
Motorized Skateboards or Scooters, and Mopeds**

Sec. 9-900 Riders subject to traffic laws, etc.

Every person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped upon a street, roadway or other public vehicular area will be subject to the provisions of this Code and the provisions of Code of Virginia, Chapter 8 (Section 46.2-800 et seq.) of Title 46.2, applicable to drivers of motor vehicles, unless the context of any such provision clearly indicates otherwise.

State Law reference – Similar provisions, Va. Code § 46.2-800

Sec. 9-901 Required equipment for bicycles, electric power-assisted bicycles, and motorized skateboards or scooters.

- A. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when in use between sunset and sunrise, must be equipped with a lamp on the front which must emit a white light visible in clear weather from a distance of at least 500 feet to the front and

with a red reflector on the rear of a type approved for use on the highways of this state by the superintendent of state police, which must be visible in clear weather from all distances from 600 feet to the rear, when directly in front of lawful lower beams of headlights on a motor vehicle.

- B. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when in use between sunset and sunrise, must be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear. Any such taillight must be of a type approved by the superintendent of state police.
- C. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when operated upon a street or highway, must be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

State Law reference – Similar provisions, Va. Code § 46.2-1015

Sec. 9-902 Riding on roadways generally.

- A. Any person operating a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a roadway must ride as close as practicable to the right curb or edge of the roadway, except under any of the following circumstances:
 - 1. When overtaking and passing another vehicle proceeding in the same direction;
 - 2. When preparing for a left turn at an intersection or into a private road or driveway; and
 - 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge.
- B. For the purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.
- C. Bicycles, electric power-assisted bicycles, and motorized skateboards or scooters may use bicycle lanes when operating in the intended direction of travel.

State Law reference – Similar provisions, Va. Code § 46.2-905

Sec. 9-903 Riding on sidewalks.

- A. No person may ride a bicycle, an electric power-assisted bicycle, a motorized skateboard or scooter, or a moped on any sidewalk or other area designated exclusively for pedestrian traffic; provided however, that this prohibition does not apply to on-duty police officers and other uniformed emergency services personnel.
- B. Violations of this section will be subject to a civil penalty of not more than \$50.00.

State Law reference – Similar provisions, Va. Code § 46.2-904

Sec. 9-904 Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.

- A. No person may stand or park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter:

1. upon the street, other than upon the roadway against the curb, or in a corral marked and designated for the purpose;
 2. upon the sidewalk, other than in a rack to support the vehicle, or attached to a street sign or light post, or at the curb or the back edge of the sidewalk;
 3. where they would obstruct curb ramps, pedestrian access within bus stops, or fire access;
 4. in, or upon, any public right-of-way, other than a street or sidewalk, except in a location specifically designated through signage or provision of racks.
- B. Bicycles, electric power-assisted bicycles, and motorized skateboards or scooters must be parked upright, in such a manner as to afford the least obstruction to pedestrian and vehicular traffic.
- C. Violations of this section will be subject to a civil penalty of not more than \$50.00.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-905 Rider not to attach vehicle or himself to another vehicle.

No person riding upon any bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped may attach the same or himself to any other vehicle on the roadway.

State Law reference – Similar provisions, Va. Code § 46.2-932

Sec. 9-906 Riding on handlebars.

No person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a street, highway, or other public vehicular area may permit any person to ride on the handlebars.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-907 Riding with more than one person on a motorized skateboard or scooter.

Motorized skateboards or scooters may not be used on a street, highway, or other public vehicular area by more than one person at a time.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-908 Report of certain vehicle accidents.

It will be the responsibility of the rider to report any bicycle, electric power-assisted bicycle, and motorized skateboard or scooter accident involving bodily injury or damage of \$50.00 or more to the chief of police within 48 hours of such accident. The chief of police must keep complete and retrievable records of all such accidents involving these vehicles. Such records must include the location and nature of the accident.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-909 Disposition of unclaimed bicycles, mopeds, etc.

Where any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped has been found or delivered to the police department, and has thereafter remained in the possession of the police department, unclaimed, for more than 30 days, and the property is not owned by a Dockless Mobility

Business operating under a permit issued pursuant to Article X of this Chapter, such property may be disposed of as provided in County Code § 2-502 of the County Code or as provided in Virginia Code § 15.2-1720.

State Law reference – Similar provisions, Va. Code § 15.2-1720

Sec. 9-910 Unlawful to ride motorized skateboard or scooter while using earphones.

No person may ride a motorized skateboard or scooter while using earphones on or in both ears. For the purposes of this section, “earphones” will have the meaning set forth in Virginia Code § 46.2-1078.

State Law reference – Similar provisions, Va. Code § 46.2-1078

Article X. Permit Program for Dockless Mobility Devices for Hire

Sec. 9-1000 Purpose and persons covered.

A. Purpose. The purpose of this section is to establish a permit program to regulate the operation of Dockless Mobility Services for-hire within the County of Albemarle, as defined below. The aims of the permit program shall be:

1. to ensure that Dockless Mobility Services for-hire are carried on in a manner that is consistent with the health, safety, and welfare of the public, as well as consistent with the accessibility of public right-of-way for bicyclists, pedestrians, and people with disabilities;
2. to reduce single occupancy vehicle use; and,
3. to improve the overall mobility, safety, and equity of the County’s transportation network.

B. Persons Covered. Any person who provides, or applies to provide, Dockless Mobility Service for-hire, as defined below, within the County of Albemarle will be governed by the provisions of this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1001 Definitions.

The following words and terms, when used in this section, will have the following meaning, unless context clearly indicates otherwise:

“Dockless Mobility Device” means a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter, as those terms are defined in the Code of Virginia.

“Dockless Mobility Business” means any person that offers, or applies to offer, Dockless Mobility Devices for-hire by relying on the public right-of-way to store the Dockless Mobility Devices for customer access and use. Dockless Mobility Business does not include any transportation service operated by the County or any other political subdivision or agency of the Commonwealth of Virginia.

“Dockless Mobility Service” means the service provided by a Dockless Mobility Business.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1002 Permit requirement.

No person may provide Dockless Mobility Services for public hire within the County of Albemarle without obtaining a permit from the County Executive pursuant to this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1003 County Executive authorized to promulgate regulations.

The County Executive, or the County Executive's designee, will administer the permit program and will have the authority to promulgate regulations setting forth the requirements applicable to all persons applying for, or operating under, a permit issued pursuant to this Article. The County Executive, or the County Executive's designee, may establish reasonable fees, charges, and penalties in connection with the permit program, including, but not limited to, requirements for insurance coverage, bond payment, and indemnification.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1004 Maximum feet size.

The County Executive, or the County Executive's designee, will have the authority to establish, modify, or eliminate a cap on the total number of Dockless Mobility Devices allowed to operate under this permit program.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1005 Review of permit applications.

- A. The County Executive, or the County Executive's designee, will evaluate each application for a permit under this program and notify the applicant in writing regarding the decision to approve or deny the application. In making such an approval or denial, the County Executive, or the County Executive's designee, may consider any established cap on the total number of Dockless Mobility Devices, aggregate demand for services, and any goal articulated in the County's Comprehensive Plan or Strategic Plan.
- B. An applicant for a permit must request an initial allocation of Dockless Mobility Devices. The County Executive, or the County Executive's designee, may determine the initial number of Dockless Mobility Devices approved under the permit. The County Executive, or the County Executive's designee, may subsequently increase or decrease the number of approved devices under a permit for any of the reasons mentioned in this section or in connection with the enforcement of any regulations promulgated pursuant to this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1006 Suspension or revocation of permits.

The County Executive, or the County Executive's designee, may revoke or suspend a permit for any violation of this Article or regulations promulgated pursuant to this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1007 Appeals.

The County Executive, or the County Executive's designee, will establish an administrative process for any Dockless Mobility Business to appeal the denial of a permit application, the suspension or revocation of a permit, or any change in the number of approved devices under a permit.

State Law reference – Va. Code § 46.2-1315

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____