

DIVISION 22. BICYCLE/TRAILS ADVISORY COMMITTEE

Sec. 2-620.26. Creation; composition; appointment; compensation.

- (a) There is hereby established an advisory committee to be known as the "Chesapeake Bicycle/Trails Advisory Committee."
- (b) The committee shall derive its authority from, and be administered by, the city council.
- (c) The committee shall be appointed by the city council and shall consist of 15 members as follows:
 - (1) Twelve citizens of Chesapeake with preference given to the following makeup:
 - a. Four representatives from organized trail user groups;
 - b. Four representatives from civic organizations;
 - c. Three citizens at large and one citizen who is interested in equestrian activities.
 - (2) A representative of the city planning department, who shall be a nonvoting member;
 - (3) A representative of the city parks, recreation and tourism department, who shall be a nonvoting member;
 - (4) A representative of the city public works department, who shall be a nonvoting member; and
- (d) The members of the committee shall be appointed for terms of four years; provided, however, that city officials and employees who serve in their official capacity on the committee shall be exempt from the term limitations pursuant to subsection 2-306(b); and provided further that the first appointed members shall have staggered terms with six citizen members being appointed for four years; and five citizen members being appointed for three years.
- (e) The members of the committee shall serve without compensation.

(Ord. No. 98-O-070, 5-12-98; Ord. No. 00-O-030, 3-14-00; Ord. No. 04-O-141, 10-12-04; Ord. No. 14-O-012, 2-11-14; Ord. No. 17-O-052, 8-8-17)

Editor's note(s)—Pursuant to Ord. No. 14-O-012, adopted February 11, 2014, and at the discretion of the editor, references in this section to the "department of parks and recreation" have been changed to the "department of parks, recreation and tourism."

Sec. 2-620.27. Removal of members.

Any member of the committee may be removed at the pleasure of the city council.

(Ord. No. 98-O-070, 5-12-98)

Sec. 2-620.28. Election of officers; adoption of rules and regulations; meetings.

- (a) The committee shall elect annually a chairman, a vice-chairman, and a secretary from among its members.

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- (b) The committee shall establish its own set of bylaws, rules and regulations. The bylaws, rules and regulations shall be adopted by a $\frac{2}{3}$ vote of the members present at any regular or special meeting of the committee at which a quorum is present. A quorum shall be deemed to consist of a majority of the voting members of the committee.
 - (c) The committee shall meet several times a year and shall determine its meeting schedule, including the number of meetings, dates, times, and places. The committee shall also meet at least twice annually with appropriate city staff to discuss prioritization of facilities.

(Ord. No. 98-O-070, 5-12-98)

Sec. 2-620.29. Duties and purpose.

The committee shall act in an advisory capacity to the city council in carrying out the city trails plan adopted by the city council, and such other duties as may be assigned to the committee by the city council, and shall make its recommendations to the city council.

(Ord. No. 98-O-070, 5-12-98)

Sec. 18-176. Repair service.

- (a) *Enumeration.* Repair services generally include, but are not limited to, the following:

Airplane repair.

Auto repair, engine repair of any type.

Bicycle repair.

Boiler cleaning.

Business and office machine repair.

Clothes, hat, carpet or rug repair.

Furniture, upholstery repair.

Gunsmith, gun repairing.

Industrial, commercial machinery.

Lawnmowers.

Locksmiths and lock repairing.

Machine shops, boiler shops.

Marine railways.

Mattress repair.

Paint shops, other than contractor.

Radio, television, refrigerator, electrical appliance, home appliance repair.

Reweaving.

Road machinery, farm machinery repair.

Saw, tool repair.

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Scales repair.
Shades repair.
Ship and boat repair.
Ship and boat scaling.
Shoe repair.
Tire repair.
Toy repair.
Typewriter repair.
Umbrella, harness, leather goods repair.
Watch, clock repair.
Welding shop.
Other repair service occupations.

- (b) *Others not included in enumeration.* Persons engaged in activities which are not listed in subsection (a), above, but fitting within the scope and intent of the definition provided in section 18-2 of this chapter, and not elsewhere specifically provided for in this chapter, shall be subject to the taxation for providing repair services.
- (c) *License tax.* Every person who engages in repair service shall pay a license tax of \$0.36 per \$100.00 of gross receipts for the first \$500,000.00 of gross receipts and \$0.30 per \$100.00 of gross receipts thereafter.

(Ord. No. 96-O-179, 11-19-96)

Sec. 30-515. Tax exemptions.

- (a) The following household goods and personal effects are exempt from taxation and shall not be assessed for that purpose:
- (1) Bicycles, all-terrain vehicles, off-road motorcycles, and mopeds as defined in Virginia Code § 46.2-100.
 - (2) Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
 - (3) Pianos, organs, phonographs and record players and records to be used therewith and all other musical instruments of whatever kind, radio and television instruments and equipment.
 - (4) Oil paintings, pictures, statuary, curios, articles of virtu and works of art.
 - (5) Diamonds, cameos and other precious stones and all precious metals used as ornaments or jewelry.
 - (6) Sporting and photographic equipment.
 - (7) Clothing and objects of apparel.
 - (8) Antique motor vehicles which may not be used for general transportation purposes. For purposes of this section, an antique motor vehicle is an automobile, motorcycle or other self-propelled vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of the tax year in question and which is owned

solely as a collector's item. An antique motor vehicle which is registered, licensed or inspected for general transportation purposes shall not be exempt from personal property taxation.

- (9) Electronic communications and processing devices and equipment, including but not limited to cell phones and table and personal computers, including peripheral equipment such as printers.
- (10) All other tangible personal property used by an individual or a family or household incident to maintaining an abode.
- (b) The classification set forth in subsection (a) of this section shall apply only to such property owned and used by a person or by a family or household incident to maintaining an abode.
- (c) Household appliances in residential rental property used by an individual or by a family or household incident to maintaining an abode shall be deemed to be fixtures and shall be assessed as part of the real property in which they are located. For purposes of this paragraph, "household appliances" shall mean all major appliances customarily used in a residential home and which are the property of the owner of the real estate, including, without limitation, refrigerators, stoves, ranges, microwave ovens, dishwashers, trash compactors, clothes dryers, garbage disposals, and air conditioning units.
- (d) All tangible personal property of such small value that the local levies thereon for the entire year result in a tax of less than \$15.00 are exempt from taxation and shall not be assessed for that purpose. In addition, the treasurer may elect not to send any tangible personal property tax bill amounting to \$20.00 or less.
- (e) Tax exemptions by classification or General Assembly designation for qualifying personal property may be granted in the same manner as real property in section 30-104.2 of this Code. The provisions in section 30-104.2 shall apply to personal property to the same extent and in the same manner as to real property. In the case of personal property, the duties of the assessor shall be carried out by the commissioner of the revenue.
- (f) Tangible personal property qualifying as certified pollution control equipment and facilities under the Code of Virginia, § 58.1-3660, shall constitute a separate classification for local taxation. Certified pollution control equipment used in collecting, processing and distributing or generating electricity from landfill gas or synthetic or natural gas recovered from waste, including equipment used to grind, chip, or mulch trees, tree stumps, underbrush or other vegetative cover for reuse as landfill gas or synthetic or natural gas recovered from waste, shall be exempt from local taxation as of the date the property is or was placed in service.
- (g) A single motor vehicle owned and used primarily by or for a veteran of the Armed Forces of the United States or the Virginia National Guard who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law with a 100 percent service-connected, permanent, and total disability shall be exempt from taxation pursuant to Subdivision (a)(8) of Article X, Section 6 of the Constitution of Virginia as designated in Section 58.1-3668, Code of Virginia 1950, as amended. As used in Virginia Code Section 58.1-3668, the term "motor vehicle" means only a passenger car or a pickup or panel truck, as those terms are defined in Virginia Code Section 46.2-100, that is registered for personal use. Any such motor vehicle owned by a married person may qualify if either spouse is a veteran who is rated as 100 percent disabled. This exemption shall be applicable beginning on the date the motor vehicle is acquired or January 1, 2021, whichever is later, and shall not be applicable for any period of time prior to January 1, 2021. The exemption shall expire on the date of the disabled veteran's death and shall not be available for his surviving spouse. The provisions of Virginia Code Section 58.1-3980 shall apply to the exemption granted pursuant to Virginia Code Section 58.1-3668.

(Ord. of 4-23-63, § 3; Code 1970, § 10-18; Ord. No. 95-O-201, 10-24-95; Ord. No. 97-O-068, 7-1-97; Ord. No. 99-O-099, 7-13-99; Ord. No. 04-O-060, 4-20-04; Ord. No. 04-O-082, 5-25-04; Ord. No. 06-O-070, 6-27-06; Ord. No. 14-O-104, 8-19-14; Ord. No. 16-O-119, 11-15-16; Ord. No. 21-O-051, 5-25-21)

State law reference(s)—Authority to exempt certain items from taxation, Code of Virginia, §§ 58.1-3005, 58.1-3504.

Sec. 42-6. Disposition of unclaimed bicycles.

- (a) The police department may donate to a charitable organization any bicycle which has been in its possession for more than 30 days. Provided, that any bicycle found or delivered to the police by as private person shall be held for 60 days after the date of publication of notice, as set forth in subsection (c) below. If such a bicycle remains unclaimed, it will be returned to the finder, if the finder so requests.
- (b) A "charitable organization" means any charitable institution or association, located within the city limits; provided, such institution or association is not controlled in whole or in part by such church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association or a nondenominational Women's Charitable Association.
- (c) Prior to the donation of any unclaimed bicycle, the chief of police or his or her duly authorized agents shall make reasonable attempts to notify the rightful owner of the bicycle, obtain from the attorney for the commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the locality once a week for two successive weeks, a general description of the bicycles to be donated.
- (d) Any charitable organization receiving donated bicycles shall certify, in writing, that the bicycles will be donated by the organization to needy individuals or families.
- (e) In addition to disposition of unclaimed bicycles pursuant to section 42-3 and 42-6(a), the police department may retain for its use any bicycle in its possession and remaining unclaimed for a period of more than 60 days. Prior to the retention for use by the police department of any unclaimed bicycle, the chief of police or a duly authorized agent shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the commonwealth in writing a statement advising that the bicycle is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the city once a week for two successive weeks, notice that there will be a public display of the unclaimed bicycle.

(Ord. No. 94-O-218, 10-25-94; Ord. No. 99-O-035, 3-23-99)

Sec. 50-10. Bicycles.

- (a) No person shall ride a bicycle, including a Class One or Class Two electric power-assisted bicycle, on other than a paved vehicular road, sidewalk, shared-use path, or designated bike path or trail. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- (b) No person shall ride a bicycle, including a Class One or Class Two electric power-assisted bicycle, other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the left of any vehicle they are overtaking, pass to the right of any vehicle they are meeting and otherwise comply in all respects with applicable motor vehicle regulations of the commonwealth.
- (c) No person shall leave a bicycle or an electric power-assisted bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by it.
- (d) No person shall ride a Class Three electric power-assisted bicycle on a bicycle path, shared-use path, or trail.
- (e) The city manager, and his designee, the director of parks, recreation and tourism, are authorized to promulgate rules and regulations governing the use of Class One and Class Two electric power-assisted bicycles on trails.

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- (f) For purposes of this section, terms shall be as defined by section 74-4 of the City Code and Sections 46-100 and 46.2-904.1 of the Virginia Code, as amended.

(Code 1970, § 17B-9; Ord. of 10-12-76; Ord. No. 92-O-149, § 17B-9, 10-13-92; Ord. No. 21-O-030, 4-13-21)

Cross reference(s)—Bicycles, § 74-341 et seq.

Sec. 70-203. Existing resources and site analysis map.

- (a) *Purpose.* The existing resources and site analysis map is required to familiarize city staff with existing conditions on the applicant's tract and its immediate vicinity and to provide a complete and factual reference in making a site inspection. This map shall form the basis for the development design as shown on the diagrammatic sketch plan.
- (b) *Review.* The existing resources and site analysis map shall be submitted prior or the pre-application meeting required in section 70-202 above. The city shall review the existing resources and site analysis map to assess its accuracy, conformance with city ordinances, and the likely impact of the proposed cluster development on the natural and cultural resources on the property.
- (c) *Content.* The existing resources and site analysis map shall conform with the following criteria:
- (1) The map shall generally be prepared at a scale of one inch = 100 feet or one inch = 200 feet, whichever would fit best on a single standard size sheet (24 inches by 36 inches).
 - (2) A vertical aerial photograph enlarged to a scale not less detailed than one inch = 400 feet, with the site boundaries clearly marked.
 - (3) Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps). Topography shall be delineated by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks.
 - (4) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as 100-year floodplains, tidal wetlands and nontidal wetlands.
 - (5) Vegetative cover on the property, including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodlands, wetlands, trees with a caliper in excess of 15 inches, and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and condition.
 - (6) Soil series, types, and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the city, and accompanying data published for each soil type relating to its suitability for construction (and, where no public sewer is available, for suitability for subsurface septic facilities).
 - (7) Ridge lines and watershed boundaries.
 - (8) A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
 - (9) All existing man-made features, including but not limited to, streets, driveways, farm roads, woods roads, buildings, structures, foundations, walls, wells, drainage fields, public utilities, fire hydrants, and storm and sanitary sewers.
 - (10) Locations of all historically significant sites or structures on the tract, including but not limited to, historic homes, earthworks and graves.

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- (11) Locations of trails that have been in public use, e.g. pedestrian, equestrian and bicycle trails.
 - (12) All easements and other encumbrances of property that are of record with the clerk of the circuit court.
 - (13) Total acreage of the tract, plus adjusted tract acreage with detailed supporting calculations.
 - (14) The boundaries of overlay districts, utility service areas, and utility franchise areas.
 - (15) Conditions of land within 500 feet of the property, as may be described on the basis of existing published data available from governmental agencies and aerial photographs.

(Ord. No. 04-O-080, 5-18-04)

Sec. 70-212. Conservation land design standards.

- A. *Prioritized list of resources to be conserved.* The design of conservation land in any cluster development shall reflect the standards set forth in this article and section 6-2200 of the zoning ordinance. Designated conservation land shall incorporate the following resources if they occur on the parcel (listed in order of significance):
1. Tidal wetlands, open waters and CBPA resource protection areas (designated as PCAs).
 2. Stream channels, floodplains, nontidal wetlands, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas that may be required to ensure their protection.
 3. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those identified by the Virginia Department of Conservation and Recreation, Division of Natural Heritage.
 4. Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 5. Healthy woodlands, particularly those performing important ecological functions, such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
 6. Areas where precipitation is most likely to recharge local ground water resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 7. Hedgerows, groups of trees, and large individual trees of botanic, historical or aesthetic significance.
 8. Class I, II, and III agricultural soils as defined by the USDA natural resource conservation service.
 9. Historic structures and sites.
 10. Visually prominent topographic features such as wooded shorelines, canebrake, and scenic viewsheds as seen from public roads (particularly scenic byways).
 11. Existing and planned trails connecting the tract to other properties in the city.
- B. *Other design considerations.* The configuration of designated conservation land shall comply with the following standards:
1. Conservation land shall be free of all buildings and structures except historic buildings and structures, stone walls, fences, and other structures related to approved passive or active recreational uses. The planning director or designee may grant approval of structures and improvements required for drainage, stormwater management, sewage disposal, and water supply within the conservation land, provided that such facilities will not be detrimental to the conservation land. Areas required for such

uses shall not be credited toward minimum conservation land requirements for the cluster development, unless such land is approved for passive recreational use.

2. Conservation land shall not consist of less than three acres or have a length-to-width ratio of less than 4:1. At no point shall the land be less than 75 feet in width. Notwithstanding this, the planning director or designee may allow exceptions to the minimum width and length-to-width ratios for lands specifically designed and designated as neighborhood greens, playing fields, or trail links.
 3. Conservation land shall be directly accessible to the largest number of lots possible within the cluster development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation land.
 4. Conservation land designated for active recreational uses shall not interfere with dwelling units, parking, driveways, and roads.
 5. Conservation land shall be interconnected wherever possible to provide a continuous network of natural areas within and adjoining the cluster development.
 6. Conservation land shall be located so as to provide buffers to adjoining parks, preserves and other protected lands.
 7. Conservation land shall include pedestrian, bicycle and recreational trails for use by the residents of the cluster development. Consideration shall be given to providing public access to such trails if they are linked to other publicly accessible land within the city. Provisions shall be made for access to the conservation land as necessary for utility installation and maintenance and for emergency access purposes.
 8. Conservation land should not be divided by public or private streets, except where necessary for proper traffic circulation. Streets shall not be counted toward meeting required conservation land.
 9. Conservation land shall be suitably landscaped by retaining existing natural cover and wooded areas and/or installing vegetation according to an approved landscaping plan to protect conservation resources.
 10. Conservation land shall be preserved with permanent conservation easements approved by the city attorney and duly recorded in the office of the clerk of the circuit court or by dedication to the city or an approved property owners association, conservation organization, conservation land trust or one or more individuals.
 11. Conservation land shall be consistent with the city's zoning ordinance and comprehensive plan.
- C. *Ownership and maintenance.* The applicant shall demonstrate compliance with conservation land ownership and maintenance standards in this article and section 6-2200 of the zoning ordinance.

(Ord. No. 04-O-080, 5-18-04)

Sec. 74-18. Through streets.

- (a) For the purpose of promoting the safe use of the streets of the city, the director of public works or duly authorized representative shall have the authority to designate according to his or her judgment certain streets as through or arterial streets. The director of public works shall indicate such designation by installation of appropriate traffic control devices on intersecting streets.
- (b) All motor vehicles, animal-drawn vehicles and bicycles shall upon arrival, at and before entering such through or arterial streets or designated intersections, obey the traffic control devices posted at or near such intersections. When a stop sign is posted at or near the entrance to any such arterial street or designated intersection, every driver of a vehicle approaching such stop sign shall, before proceeding to enter such

street or intersection, come to a full stop at the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but if none, at the stop sign itself, and when proceeding shall yield the right-of-way to all traffic on such through or arterial street or in such designated intersection. When a yield right-of-way sign is posted at or near the entrance to any such street or designated intersection, every driver of a vehicle approaching such yield right-of-way sign shall, before proceeding to enter such street or intersection, yield the right-of-way to the driver of all traffic on such through or arterial street or in such designated intersection. Where there is a traffic officer or signal device at any intersection, the traffic officer or signal device when in operation shall control traffic.

- (c) After such traffic control devices have been erected, it shall be unlawful for any person to fail to comply with the requirements of such traffic control devices; provided, however, the failure to comply with the requirements of such traffic control devices shall not be deemed a violation if, at the time of the alleged violation, the traffic control devices placed in conformity with this section were missing, out of order, effaced, mutilated or defaced, so that an ordinarily observant person under the same circumstances would not be apprised or aware of the existence of such traffic control devices.
- (d) It shall be unlawful for the driver of any motor vehicle to drive off the roadway and onto or across any public or private property in order to evade any stop sign, yield sign, traffic light or other traffic control device.

(Ord. of 1-7-63, § 22-124; Code 1970, § 16-19; Ord. of 1-8-74)

State law reference(s)—Similar provisions, Code of Virginia, §§ 46.2-833.1, 46.2-1300, 46.2-1301, 15.2-2028.

Sec. 74-20. Playing on streets or highways; roller skates, skateboards, toys or other devices on wheels or runners; persons attaching to vehicles.

- (a) No person shall play on a street or highway, other than on the sidewalks thereof, where the posted speed limit is greater than 25 miles per hour within the city. No person shall use, on a highway or street where play is prohibited, roller skates, skateboards, toys or other devices on wheels or runners, except bicycles, mopeds and motorcycles.
- (b) No person riding on any bicycle, moped, roller skates, skateboards, toys or other devices on wheels or runners shall attach the device or himself to any vehicle on a roadway.

(Code 1970, § 16-20.1; Ord. of 11-12-85)

Cross reference(s)—Streets and sidewalks, ch. 66.

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-932.

ARTICLE X. BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, GOLF CARTS OR UTILITY VEHICLES AND MOTORIZED PUSH SCOOTERS¹

¹Editor's note(s)—Ord. No. 19-O-108, adopted August 13, 2019, amended article X in its entirety to read as herein set out. Formerly, article X, sections 74-341—74-359 pertained to bicycles, electric power-assisted bicycles, electric personal assistive mobility devices and motorized push scooters, and derived from Ord. No. 02-O-078, adopted June 25, 2002; Ord. No. 04-O-076, adopted May 11, 2004; Ord. No. 04-O-150, adopted November 9, 2004; Ord. No. 05-O-100, adopted August 9, 2005, and Ord. No. 14-O-013, adopted February 11, 2014.

Subsequently, Ord. No. 20-O-028, adopted March 10, 2020, changed the title of article X from "Bicycles, electric power-assisted bicycles, electric personal assistive mobility devices and motorized push scooters" to "Bicycles, electric power-assisted bicycles, electric personal assistive mobility devices, golf carts or utility vehicles and motorized push scooters."

Cross reference(s)—Bicycles in city parks, § 50-10.

State law reference(s)—Bicycles, generally, Code of Virginia, §§ 46.2-903—46.2-908.

Sec. 74-341. Bicyclists and riders of electric power-assisted bicycles, electric personal assistive mobility devices and motorized skateboards or scooters subject to traffic regulations.

- (a) Every person riding a bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter upon a street shall be subject to the provisions of Code of Virginia, § 46.2-800 et seq., any applicable license issued under section 74-357 of this article, and the provisions of this chapter applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.
- (b) No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

(Ord. No. 19-O-108, 8-13-19; Ord. No. 19-O-158, 12-10-19)

Sec. 74-342. Destroying, mutilating or altering serial number; voluntary registration; fee.

- (a) No person shall willfully remove, destroy, mutilate or alter the serial number on any bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter, or knowingly possess a bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter, the serial number of which has been removed, destroyed, mutilated or altered.
- (b) Registration of bicycles, electric power-assisted bicycles and electric personal assistive mobility devices may be made voluntarily with the city treasurer. There shall be a one-time registration fee of \$1.00 charged to each owner.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-343. Use of handlebars; earphones.

- (a) No person shall ride a bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter upon any street without having at least one hand upon the handlebars, if so equipped.
- (b) No person shall operate a bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter upon any street while using earphones on or in both ears. For purposes of this section, "earphones" shall have the same meaning as in § 46.2-1078 of the Code of Virginia.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-344. Riding on right-hand side of road; two or more abreast.

- (a) Every person riding a bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter on any roadway at less than the normal speed of traffic at the time and place under conditions then existing shall keep as close as safely 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;

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- (3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, or surface hazards;
 - (4) When avoiding riding in a lane that must turn or diverge to the right; and
 - (5) When riding upon a one-way road or highway, a person may also ride as near the left-hand curb or edge of such roadway as safely practicable.
- (b) Persons riding bicycles, electric power-assisted bicycles, electric personal assistive mobility devices or motorized skateboards or scooters on a roadway shall not ride more than two abreast. Persons riding two abreast shall not impede the normal and reasonable movement of traffic, shall move into a single file formation as quickly as practicable when being overtaken from the rear by a faster moving vehicle, and, on a laned roadway, shall ride in a single lane.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-345. Riding on sidewalks and in crosswalks.

- (a) Persons riding bicycles, electric power-assisted bicycles or electric personal assistive mobility devices shall be permitted on sidewalks and in crosswalks, except where prohibited by signs posted at the direction of the city manager or his designee.
- (b) Whenever any person shall ride a bicycle, electric power-assisted bicycle, electric personal assistive mobility device on the sidewalk or across a roadway on a crosswalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.
- (c) Motorized skateboards or scooters are not allowed on sidewalks under any circumstances. Any person riding such a vehicle across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.
- (d) Notwithstanding anything to the contrary in this section, shareable mobility devices, as defined in section 74-355, are permitted on sidewalks only to the extent they are specifically authorized for such use at designated locations by a license issued under section 74-357. Whenever any person shall ride a shareable mobility device on a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

(Ord. No. 19-O-108, 8-13-19; Ord. No. 19-O-158, 12-10-19)

Sec. 74-346. Holding on to moving vehicles and towing persons, vehicles, or conveyances prohibited.

No person riding a bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter shall take or catch hold of any moving automobile, bus or other vehicle of any kind upon any street for the purpose of being drawn or propelled by the vehicle. No person operating a motorized skateboard or scooter shall tow any person on a bicycle, skateboard, skates, or any other vehicle or method of conveyance.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-347. Lights and reflectors.

- (a) Every bicycle, electric power-assisted bicycle, electric personal assistive mobility device, and motorized skateboard or scooter with handlebars when in use between sunset and sunrise shall be equipped with a

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headlight on the front which shall emit a white light visible in clear weather from a distance of at least 500 feet to the front and a red reflector visible from a distance of at least 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

- (b) Every bicycle, or its rider, shall 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 when in use between sunset and sunrise and operating on any road with a speed limit of 35 miles per hour or greater.
- (c) Any lights or reflectors provided for in this section shall be of types approved by the Superintendent of the Virginia Department of State Police.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-348. Brakes.

- (a) Every bicycle, electric power-assisted bicycle or motorized skateboard or scooter when operated upon a street shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement. Such brake shall be maintained in good working order at all times.
- (b) Every electric personal assistive mobility device, when operated on a street, shall be equipped with a system that, when activated or engaged, will enable the operator to bring the device to a controlled stop.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-349. Exhaust system required for motorized skateboards and scooters.

No person shall operate a motorized skateboard or scooter, nor shall any owner of a motorized skateboard or scooter or similar type of vehicle powered by an internal combustion engine permit or allow the operation of such vehicle, on a street or highway in the city unless such vehicle is equipped with an unmodified two-stage muffler system in good working order and in constant operation, effective to prevent excessive or unusual levels of noise.

(Ord. No. 19-O-108, 8-13-19; Ord. No. 19-O-158, 12-10-19)

Sec. 74-350. Carrying other persons.

No person operating a bicycle or a motorized skateboard or scooter on a highway shall carry any additional person on the same, except that an adult bicycle rider may carry a child less than six years old if such child is securely attached to the bicycle in a seat or trailer designed for carrying children.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-351. Reckless riding.

No person shall ride a bicycle, electric power-assisted bicycle, electric personal assistive mobility device or motorized skateboard or scooter recklessly or at a speed or in a manner so as to endanger the life, limb or property of the rider or of any other person.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-352. Restrictions on operating motorized skateboards or scooters on streets and highways.

- (a) Motorized skateboards or scooters shall not be operated on any street or highway with a speed limit in excess of 25 miles per hour; however, the operator may cross a street or highway with a speed limit in excess of 25 miles per hour if the crossing is signalized and begins and ends on a street with a speed limit of 25 miles per hour, or by walking such scooter through any intersection.
- (b) Motorized skateboards or scooters shall not be operated by anyone under the age of 14 years on any street or highway unless under the immediate supervision of a person who is at least 18 years old.
- (c) No person shall at any time or at any location operate a motorized skateboard or scooter at a speed faster than 20 miles per hour.
- (d) No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter, but is capable of speeds greater than 20 miles per hour, at a speed greater than 20 miles per hour.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-353. Unnecessary noise in operation of motorized skateboards or scooters.

- (a) It shall be unlawful for any person in operating a motorized skateboard or scooter which is not equipped with a muffler or exhaust system conforming to Virginia Code §§ 46.2-1047 and 46.2-1049 within the city to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise. In operating a motorized skateboard or scooter, the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:
 - (1) The use of a motorized skateboard or scooter so out of repair as to cause loud and unnecessary grating, grinding, or rattling noises, or any other unnecessary noise.
 - (2) The practice of unnecessarily racing the motor of a motorized skateboard or scooter while standing or moving, thereby causing unnecessary noise from such motor.
 - (3) In starting a motorized skateboard or scooter off from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary noise from such motor.
 - (4) The practice of coming to an unreasonably quick stop with a motorized skateboard or scooter and thereby causing unnecessary grinding of brakes and screeching of tires.
- (b) For the purpose of deciding what constitutes unreasonable or excessive or unnecessary noise in the operation of a motorized skateboard or scooter, the following factors will be taken into consideration, but shall not be deemed exclusive:
 - (1) The volume of the noise.
 - (2) The intensity of the noise.
 - (3) The duration of the noise.
 - (4) The volume or intensity of the background noise.
 - (5) The proximity of the noise to residential sleeping facilities or hospitals, nursing homes or other like institutions.
 - (6) The nature and zoning of the area within which the noise emanates.

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- (7) The density of inhabitants of the area within which the noise emanates.
 - (8) The time of the day or night the noise occurs.
 - (9) Whether the noise is recurrent, intermittent or constant.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-354. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a class misdemeanor and, upon conviction thereof, shall be punished pursuant to section 1-10.

(Ord. No. 19-O-108, 8-13-19)

Sec. 74-355. Definitions.

As used in this article, unless stated otherwise, each of the following terms shall have the meaning given it below:

City manager shall mean the city manager of the City of Chesapeake, or his designee.

Licensing official shall mean a city employee designated by the city manager to carry out the provisions of this article, except that the licensing official shall not be designated to hear appeals on behalf of the city manager under subsection 74-358(d). This does not preclude the licensing official from presenting evidence and arguments in the appeal process as a city staff member.

Shareable mobility device or device shall mean a for-hire bicycle, motorized skateboard, motorized scooter, or any other for-hire human-powered device which does not require a drivers' license, is designed to allow an operator to sit or stand, has no manufacturer issued vehicle identification number, and permits an individual to move or be moved freely.

Shareable mobility device license or license shall mean a license required to offer shareable mobility devices for use by the public in the city, and any subsequent renewals of the license.

(Ord. No. 19-O-158, 12-10-19)

Sec. 74-356. Shareable mobility device license required.

- (a) It shall be unlawful for any person to offer shareable mobility devices for hire within the city without first obtaining a shareable mobility device license from the licensing official. For purposes of this article, offering shareable mobility devices for hire means offering a ride for hire that originates within the city.
- (b) The licensing official shall not issue a shareable mobility device license until the applicant has obtained approval from city council in the form of a franchise agreement authorizing the applicant to use public rights-of-way for shareable mobility devices. Such franchise agreement may include such terms as the city council deems necessary and appropriate, including but not limited to those pertaining to the regulation and/or limitation of the number, operation, maintenance, specifications, and parking of shareable mobility devices; geographic area limitations; sidewalk operation limitations; speed limits; insurance requirements; indemnification: applicant availability and responsiveness to rider/user and city issues regarding operation; records and data sharing: fees for use of the right-of-way; and rider/user regulations and agreements.
- (c) Nothing herein shall be construed to require the city council to grant a franchise to any person or to limit the discretion Of the city council with regard to the terms of any franchise agreement or license conditions.

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- (d) Compliance with this article is a separate and additional legal requirement for shareable mobility devices and issuance of a shareable mobility device license shall not be construed to authorize the offering for hire of shareable mobility devices in a manner that does not conform to other applicable federal, state, and local laws.

(Ord. No. 19-O-158, 12-10-19)

Sec. 74-357. Application and review process for shareable mobility device licenses.

- (a) The licensing official shall develop an application process for shareable mobility device licenses. The licensing official may require that applicants provide information in addition to that which is specified in any application forms.
- (b) Upon receipt of a complete application, including the payment of a review fee established by the city manager according to a fee schedule as may be amended from time to time, the city manager shall forward all application materials to city council for its consideration at a public meeting. When considering a franchise application, the city council may (i) approve, deny, or alter the applicant's proposal, or (ii) direct the city manager to take other actions necessary to protect the city's rights-of-way, including, but not limited to, soliciting additional proposals for use of the city's rights-of-way through a competitive bidding process, or creating an administrative pilot program for the use of shareable mobility devices within the city.
- (c) Upon approval of a franchise agreement by city council, the licensing official shall issue a license to the applicant stating that the applicant is authorized to offer shareable mobility devices for-hire within the city, subject to the terms of the franchise agreement and applicable law, which include but may not be limited to an annual license renewal fee and/or revenue sharing provision.

(Ord. No. 19-O-158, 12-10-19)

Sec. 74-358. Suspension and termination of shareable mobility device licenses; appeal.

- (a) A shareable mobility device license may be suspended or revoked by the licensing official due to the licensee's failure to abide by its franchise agreement with city council or any federal, state, or local law or regulation.
- (b) Licenses are also subject to revocation due to repeat violation of the franchise agreement, or applicable law, by users of the shareable mobility devices, after providing reasonable notice of such violations to licensee.
- (c) The decision to revoke is within the sole discretion of the licensing official and is not waived by failure of the licensing official to immediately revoke a license for any cause.
- (d) An aggrieved licensee may appeal to the city manager in writing the suspension or revocation of a shareable mobility device license within 30 days of the date notice was sent of such fact by the licensing official. The city manager shall provide reasonable notice to the licensee of a hearing date, where he will consider evidence and arguments presented by the licensee and city staff, which shall occur within 90 days of receipt of the appeal. The city manager's decision shall be made in consultation with the city attorney, and is final and unappealable.

(Ord. No. 19-O-158, 12-10-19)

Sec. 74-359. Enforcement of article; penalties.

- (a) The city manager shall have the authority to enforce all provisions of franchise agreements granted under this article.

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- (b) In addition to any penalties imposed for violation of this article under section 74-354, the city may remove and collect the associated costs of removal and storage of unauthorized, improperly parked, or inoperable shareable mobility devices pursuant to section 66-8 and/or seek injunctive or other relief in any court of competent jurisdiction in order to prevent or restrain violations of this article or franchise agreements granted hereunder.
 - (c) In addition to the foregoing, and person offering shareable mobility devices for hire within the city without a license shall pay a civil penalty in the amount of \$1,000.00 for every day the person is in violation of this section. If not paid by the licensee within 14 days of being notified of the civil penalty, the city may seek recovery of the civil penalty in a court of competent jurisdiction.

(Ord. No. 19-O-158, 12-10-19)

Sec. 74-360. Use of golf carts or utility vehicles on public highways.

No person shall operate a golf cart or utility vehicle on or over any public highway in the city except as provided in this article. Operating a golf cart or personal utility vehicle on designated public highways shall be in accordance with the mandates set forth in Virginia Code Section 46.2-916.3 as amended.

(Ord. No. 20-O-028, 3-10-20)

Sec. 74-361. Same—Definitions.

For purposes of this article, the following words shall have the meaning given herein:

Golf cart shall mean a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

Highway means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys and, for law-enforcement purposes,

- (1) The entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located; and
- (2) The entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

Utility vehicle means a personal motor vehicle that is (i) designed for off-road use; (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in section 46.2-100 of the Code of Virginia, riding lawn mowers, or any other vehicle whose definition is included in section 46.2-100 of the Code of Virginia.

(Ord. No. 20-O-028, 3-10-20)

Sec. 74-362. Designation of city highways for golf cart and utility vehicle operation; posting of signs.

- (a) Pursuant to Section 46.2-916.2 of the Code of Virginia, as amended, city council may authorize, by ordinance, the operation of golf carts and utility vehicles on designated public highways within the city.

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- (b) Prior to the enactment of an ordinance authorizing golf carts and utility vehicle operation on a designated public highway, city council shall:
 - (1) Consider the speed, volume, and character of motor vehicle traffic using such highways, and
 - (2) Determine that golf cart and utility vehicle operations on such highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in Section 33.2-354 of the Code of Virginia; as amended.
 - (c) City council shall not designate a public highway for golf cart and utility vehicle operations in the event such operations will impede the safe and efficient flow of motor vehicle traffic.
 - (d) City council shall not designate a public highway for golf cart or utility vehicle operation if the posted speed limit is greater than 25 miles per hour; provided that a such vehicle may cross a highway at an intersection controlled by a traffic light if the highway has a posted speed limit no more than 35 miles per hour.
 - (e) Public highways authorized for golf cart or utility vehicle operations shall be posted with signs indicating said designation.
 - (1) The public works director, or designee, in consultation with the chief of police, shall determine the safe and appropriate placement of all required signs.
 - (2) The city shall be responsible for the installation and ongoing maintenance of said signs.
 - (f) The following city streets located in the specified neighborhoods are approved for golf cart and utility vehicle operation in accordance with the provisions of this article; provided that all such streets shall comply with the criteria imposed by the ordinance from which this section derives:
 - (1) Culpepper Landing—All streets platted within the subdivision.
 - (2) Woodard's Mill—All streets platted within the subdivision.

(Ord. No. 20-O-028, 3-10-20)

Sec. 74-363. Application for designation.

- (a) An individual, organization or entity shall submit an application proposing to operate golf carts and/or utility vehicles to the traffic division of public works; provided, however, that:
 - (1) If the public highway is located within a neighborhood with a homeowners' or property owner's association formed pursuant to the Virginia Code, then application shall be in the name of the applicable homeowner's or property owners' association and shall be signed by a duly-authorized representative of the homeowners; association; or
 - (2) If the public highway is not located within a neighborhood with a homeowners' or property owners' association, such application shall be accompanied by a petition affirmatively seeking such designation. The petition shall include signatures representing at least 51 percent of the parcels adjacent to each of the public highways proposed for designation.
- (b) The application shall include the following:
 - (1) The full legal name of the individual, organization, or entity;
 - (2) The name of the neighborhood/subdivision and a list of each public highway therein for which the application is made; and
- (c) Upon receipt of a complete application, the public works director, or designee shall request input and recommendations from the following, non-exhaustive list of city departments:

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- (1) Planning;
 - (2) Police; and
 - (3) Development and permits.
- (d) After formal review of the application, each respective city department shall provide feedback to the public works director, or designee, who, in turn, will provide a formal written recommendation to city council.
- (Ord. No. 20-O-028, 3-10-20)

Sec. 74-364. Revocation of designation.

The city council may, in its sole discretion and upon the recommendation of the chief of police or public works director, suspend and/or revoke the designation of any public highway for golf cart or utility vehicle use at any time.

(Ord. No. 20-O-028, 3-10-20)

Secs. 74-365—74-370. Reserved.

Sec. 74-437. Specific instances of reckless driving—Generally.

A person shall be guilty of reckless driving who shall:

- (1) Drive a vehicle which is not under proper control or which has inadequate or improperly adjusted brakes on any highway in this city;
- (2) While driving a vehicle, overtake and pass another vehicle proceeding in the same direction, on or approaching the crest of a grade or on or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the overtaking vehicle is being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way roadway or highway.
- (3) Drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.
- (4) Pass or attempt to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways. This subsection shall not apply, however, to a motor vehicle passing two other vehicles when one or both of such other vehicles is a bicycle or moped; nor shall this subsection apply to a bicycle or moped passing two other vehicles.
- (5) Drive any motor vehicle, including any motorcycle, so as to be abreast of another vehicle in a lane designed for one vehicle, or drive any motor vehicle, including any motorcycle, so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle; provided, however, this subsection shall not apply to any validly authorized parade, motorcade, or motorcycle escort, nor shall it apply to a motor vehicle traveling in the same lane of traffic as a bicycle or moped.
- (6) Overtake or pass any other vehicle proceeding in the same direction at any railroad grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or unless such intersection is designated and marked as a passing zone or on a designated one-way street or highway, or while pedestrians are

passing or about to pass in front of either of such vehicles, unless permitted to do so by a traffic light or law enforcement officer.

- (7) Fail to stop when approaching from any direction, any school bus, whether publicly or privately owned, which is stopped on any highway or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and to remain stopped until all such persons are clear of the highway or school driveway and the bus is put in motion. The driver of a vehicle, however, need not stop when approaching a school bus if such school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when such other roadway, access road, or driveway is separated from the roadway on which he or she is driving by a physical barrier or an unpaved area. The driver of a vehicle also need not stop when approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if such driver is directed by a law enforcement officer or other duly authorized uniformed school crossing guard to pass such school bus. This section shall apply to school buses which are equipped with warning devices prescribed in Code of Virginia, § 46.2-1090, and are painted yellow with the words "School Bus" in black letters at least eight inches high on the front and rear thereof. Only school buses which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses.
- (8) Fail to give adequate and timely signals of intention to turn, partly turn, slow down, or stop, as required by Code of Virginia, § 46.2-848, et seq.
- (9) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.
- (10) Drive a motor vehicle on the highways in this city:
 - a. At a speed of 20 miles per hour or more in excess of the applicable maximum speed limit, or
 - b. In excess of 80 miles per hour regardless of the applicable maximum speed limit.
- (11) Fail to bring his or her vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching on such highway within 500 feet of such point of entrance, unless a "Yield Right-of-Way" sign is posted or where such sign is posted, fails upon entering such highway to yield the right-of-way to the driver of a vehicle approaching on such highway from either direction.
- (12) Drive or operate any motor vehicle at a speed or in a manner so as to endanger the life, limb, or property of any person on any driveway or premises of a church, school, recreational facility, or business property open to the public, or on the premises of any industrial establishment providing parking space for customers, patrons, or employees, or on any highway under construction or not yet open to the public.

(Ord. No. 94-O-100, 6-28-94; Ord. No. 13-O-033, 3-26-13)

State law reference(s)—Similar provisions, Code of Virginia, §§ 46.2-853, 46.2-854, 46.2-855, 46.2-856, 46.2-857, 46.2-858, 46.2-859, 46.2-860, 46.2-861, 46.2-862, 46.2-863, 46.2-864.