

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Section 20-131, Definitions, age of operation, Division 1, Generally, Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended; amending and reordaining Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic, by adding a new Division 5, Electric Power-Assisted Bicycles, Electric Personal Assistive Mobility Devices, Electric Personal Delivery Devices, Electrically Powered Toy Vehicles, And Motorized Skateboards Or Scooter, Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended; and amending and reordaining Section 24-94, Motor vehicle and bicycles to be operated or ridden only on designated roadways or areas, Article IV, Parks, Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, in order to implement changes mandated by the General Assembly and to ban all classes of electric power-assisted bicycles from shared-use paths, and natural surface trails within the City and Carvins Cove Natural Reserve; providing for effective dates; and dispensing with the second reading of this ordinance by title.

WHEREAS, the General Assembly has adopted classifications and regulations of certain electric powered transportation machines, as codified in Sections 46.2-100, 46.2-904.1 and 46.2-908.1, of the Code of Virginia (1950) as amended, and these City Code Amendments are intended to implement said classifications and regulations;

WHEREAS, the proposed amendments to Section 20-131 and new Sections 20-165 and 20-166 of the Code of the City of Roanoke (1979), as amended, implement the new classifications and regulations of certain electric powered transportation machines, in particular, they define three different classes of electric power-assisted bicycles;

WHEREAS, Section 46.2-904.1(F)(1) of the Code of Virginia (1950), as amended, authorizes the use of Class 1 and Class 2 electric power-assisted bicycles on shared-use paths in the City and Carvins Cove Natural Reserve unless City Council finds, after notice and a public hearing, that restricting such use is necessary for public safety or compliance with other laws;

WHEREAS, Section 46.2-904.1(F)(2) of the Code of Virginia (1950), as amended, authorizes the City Council to ban the use of Class 3 electric power-assisted bicycles on shared-use paths in the City and Carvins Cove Natural Reserve without a public hearing and without any special findings;

WHEREAS, Section 46.2-904.1(F)(3) of the Code of Virginia (1950), as amended, authorizes the City Council to ban all three classes of electric power-assisted bicycles on any natural surface trail in the City and Carvins Cove Natural Reserve without a public hearing and without any special findings;

WHEREAS, a proposed amendment to Section 24-94 conforms City Code to current City Policy that bicycles are allowed on shared-use paths in the City, known as Greenways;

WHEREAS, on June 15, 2020, Council held a public hearing in accordance with Section 46.2-904.1(f)(1) of the Code of Virginia (1950), as amended, notice of which was duly advertised on June 8, 2020, in accordance with Section 15.2-1813 of the Code of Virginia (1950), as amended, and at said public hearing citizens were afforded the opportunity to present their opinions and views in support of or in opposition to the proposed code amendments; and

WHEREAS, after receiving the recommendation of City Administration as set forth in the City Council Agenda Report dated June 15, 2020, and hearing public comments, Council finds that prohibiting the use of Class 1, Class 2, and Class 3 electric power-assisted bicycles from use on all shared-use paths, and natural surface trails in the City and Carvins Cove Natural Reserve is necessary for public safety or compliance with other law, as more particularly described in the City Council Agenda Report dated June 15, 2020, and such ban is implemented in the proposed new City Code Section 20-165(F).

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 20-131, Definitions, age of operation, Division 1, Generally, Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

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Sec. 20-131. - Definition, age of operation.

[The following terms, as used in this chapter, shall have the meanings as herein described below:]

All-terrain vehicle means a motor vehicle having three (3) or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

Bicycle means any device propelled solely by human power, having pedals, two (2) or more wheels, and a seat height of more than twenty-five (25) inches from the ground when adjusted to its maximum height (a recumbent device shall be deemed a bicycle regardless of seat height). [A bicycle shall be a vehicle while operated on the highway.](#)

[Bicycle lane means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electronic power-assisted bicycles, motorized skateboards or scooter, and mopeds.](#)

Dockless mobility operation means a business that rents skateboards, scooters, or bicycles to users, and such vehicles are generally inoperable unless activated by a user authorized by the business operator.

Electric personal assistive mobility device means a self-balancing two-nontandem-wheeled device that is designed to transport only one (1) person and powered by an electric propulsion system that limits the device's maximum speed to fifteen (15) miles per hour or less. For purposes of this article, an electric power assistive mobility device shall be a vehicle when operated on a street.

Electric personal delivery device means an electrically powered device that (i) is operated on sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

Electric personal delivery device operator means an entity or its agent who exercises direct physical control or monitoring over the navigation system and operation of an electric personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating an electric personal delivery device. -"Electric personal delivery device operator" does not include (i) an entity or person who requests the services of an electric personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of an electric personal delivery device.

Electric power-assisted bicycle means a vehicle that travels on not more than three (3) wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power, (ii) a seat for the use of the rider, and (iii) an electric motor with an input of no more than ~~seven hundred and fifty one thousand (1,000750)~~ seven hundred and fifty (750) watts ~~that reduces the pedal effort required of the rider and ceases to provide assistance when the bicycle reaches a speed of no more than twenty (20) miles per hour.~~ For purposes of this article, an electric power-assisted bicycle shall be a vehicle when operated on a street. Electric power-assisted bicycles shall be classified as follows:

1. *Class one* means an electric power-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;

2. *Class two* means an electric power-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour; and

3. *Class three* means an electric power-assisted bicycle equipped with a motor that **provides assistance** only when the rider is pedaling and that ceases to provide assistance when the **bicycle reaches** the speed of 28 miles per hour.

Moped means every vehicle that travels on not more than three (3) wheels in contact with the ground that has (i) a seat that is no less than twenty-four (24) inches in height, measured from the middle of the seat perpendicular to the ground; and (ii) a gasoline, electric, or hybrid motor that displaces less than fifty (50) cubic centimeters or less or (b) has an input of one thousand five hundred (1500) watts or less; (iii) is power-driven, with or without pedals that allow

propulsion by human power; and (iv) is not operated at speeds in excess of thirty-five (35) miles per hour, but does not include a motorized skateboard or scooter. For purposes of this article, a moped shall be a vehicle when operated on a street.

Motorized skateboard or scooter means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow a person to stand or sit while operating the device, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered in whole or in part by an electric motor, (iv) weighs less than one hundred (100) pounds, and (v) has a speed of no more than twenty (20) miles per hour on a paved level surface when powered solely by the electric motor. Motorized skateboard or scooter includes vehicles with or without handlebars but does not include electric personal assistive mobility devices.

Shared-use path means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users and electric personal delivery devices. “Greenways” qualify as shared-use paths as defined in this section.

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2. Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, is amended and reordained by adding Division 5, Electric Power-Assisted Bicycles, Electric Personal Assistive Mobility Devices, Electric Personal Delivery Devices, Electrically Powered Toy Vehicles, And Motorized Skateboards Or Scooter, Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, and is hereby amended and reordained to read and provide as follows:

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DIVISION 5. – Electric Power-Assisted Bicycles, Electric Personal Assistive Mobility Devices, Electric Personal Delivery Devices, Electrically Powered Toy Vehicles, And Motorized Skateboards Or Scooter.

Sec. 20-165. – Electric power-assisted bicycles.

A. Except as otherwise provided in this section, an electric power-assisted bicycle or an operator of an electric power-assisted bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric power-assisted bicycle is a vehicle to the same extent as is a bicycle.

B. An electric power-assisted bicycle or person operating an electric power-assisted bicycle is not subject to the provisions of Virginia Code Section 46.2 relating to requirements for driver's licenses, registration, certificates of title, financial responsibility, off-highway motorcycles, and license plates.

C.

1. On and after January 1, 2021, manufacturers and distributors of electric power-assisted bicycles shall permanently affix a label, in a prominent location, to each electric power-assisted bicycle that they manufacture or distribute. The label shall contain the classification number, top assisted speed, and motor wattage of the electric power-assisted bicycle and shall be printed in Arial font in at least nine-point type.

2. An electric power-assisted bicycle shall comply with equipment and manufacturing requirements for bicycles adopted by the U.S. Consumer Product Safety Commission, 16 C.F.R. Part 1512.

3. All class three electric power-assisted bicycles shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

D. No person shall tamper with or modify an electric power-assisted bicycle so as to change the motor-powered speed capability or engagement of an electric power-assisted bicycle, unless the label required by subdivision C 1 is replaced after modification.

E. An electric power-assisted bicycle shall operate in a manner such that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

F. Except as set forth in this subsection, an electric power-assisted bicycle may be ridden in places where bicycles are allowed, including streets, highways, roads, shoulders, bicycle lanes, and bicycle or shared-use paths.

Class one, class two, and class three electric power-assisted bicycles are prohibited from all shared-use paths and natural surface trails -located in the City of Roanoke and on Carvins Cove Natural Reserve.

G. Each operator and passenger of a class three electric power-assisted bicycle shall wear a properly fitted and fastened bicycle helmet that meets the current standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials International. Failure to wear a helmet shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a class three electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action, nor shall this section bar any claim that otherwise exists.

Sec. 20-166. – Electric personal assistive mobility devices, electric personal delivery devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.

All electric personal assistive mobility devices, electric personal delivery devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device or an electric power-assisted bicycle at a speed faster than 25 miles per hour, (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour, or (iii) an electric personal delivery device at a speed faster than 10 miles per hour. 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. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

An electric personal assistive mobility device may be operated on any highway with a maximum speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate on any highway authorized by this section if a sidewalk is not provided along such highway or if operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility device, electric personal delivery device, or motorized skateboard or scooter in the crosswalk of any highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric power-assisted bicycles.

Operation of electric personal assistive mobility devices, motorized skateboards or scooters, electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any Interstate Highway System component except as provided by the section.

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3. Section 24-94, Motor vehicle and bicycles to be operated or ridden only on designated roadways or areas, Article IV, Parks, Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

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Sec. 24-94. - Motor vehicles and bicycles to be operated or ridden only on designated roadways or areas.

(a) It shall be unlawful for any person to drive or operate any motor vehicle, or operate or ride any bicycle or tricycle in any public park, except over the roadways and other areas designated for such use. [Bicycles are authorized to be ridden on shared-use paths as that term is defined in Section 20-131.](#)

(b) This section shall not apply to the operation of city-owned vehicles for city purposes.

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4. Paragraphs 1 and 2 of this ordinance shall be in full force and effect on and after July 1, 2020.

5. Paragraph 3 of this ordinance shall be in full force and effect upon passage of this ordinance.

6. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is dispensed with.

ATTEST:

City Clerk.