

**AN ORDINANCE TO AMEND AND REENACT
THE CHRISTIANSBURG TOWN CODE
BY AMENDING AND REENACTING CHAPTER 34, TRAFFIC AND MOTOR
VEHICLES, SECTION 34-20, HELMETS REQUIRED, RIDERS OF BICYCLES AND
ELECTRIC POWER-ASSISTED BICYCLES AND BY AMENDING CHAPTER 38,
VEHICLES FOR HIRE, ARTICLE III, SHARED MOBILITY SYSTEMS FOR HIRE.**

WHEREAS, notice of a public hearing before the Christiansburg Town Council ("Town Council") concerning this ordinance was published two consecutive weeks (October 23, 2019 and October 30, 2019) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing before the Town Council was held on November 12, 2019; and,

WHEREAS, the Town Council of the Town of Christiansburg, Virginia (the "Town") deems it necessary for the health and welfare of the citizens of the Town to adopt certain minimum regulations related to the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Christiansburg, Virginia, that Chapter 34, Traffic and Motor Vehicles, Section 34-20, Helmets Required, Riders of Bicycles and Electric Power-Assisted Bicycles of the Christiansburg Town Code be amended and reenacted as follows:

Sec. 34-20. - Helmets required, riders of bicycles and electric power-assisted bicycles.

(a) Definitions.

Bicycle, for the purpose of this section, means a device propelled solely by human power, upon which a person may ride either on, or astride, a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. A bicycle shall be a vehicle while operated on the highway.

Electric power-assisted bicycle, for the purpose of this section, means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with:

- (1) Pedals that allow propulsion by human power; and
- (2) An electric motor with an input of no more than 1,000 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 20 miles per hour.

An electric power-assisted bicycle shall be a vehicle when operated on a highway.

Highway, for the purpose of this section, 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 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 town.

- (b) Every person 14 years of age or younger shall wear a protective helmet on their head that at least meets the consumer product safety commission standard whenever riding or being carried on a bicycle, or an electric power-assisted bicycle on any highway, sidewalk or public bicycle path.
 - (1) Violation of this section shall be punishable by a fine of \$25.00. However, such fine shall be suspended:
 - a. For first-time violators; and
 - b. For violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this section.
 - (2) Violation of this section shall not constitute negligence, or assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle or electric power-assisted bicycle, nor shall anything in this section change any existing law, rule or procedure pertaining to any civil action.

BE IT FURTHER ORDAINED by the Town Council of the Town of Christiansburg, Virginia, that Chapter 38, Vehicles for Hire, be amended by enacting Article III, Shared Mobility Systems for Hire as follows:

DIVISION III. – SHARED MOBILITY SYSTEMS FOR HIRE

Sec. 38-100. – Policy statement; purpose.

- (a) The purpose of this division is to establish rules and regulations governing the operation of sharing systems for docked and dockless (i) bicycle or electric power-assisted bicycles and (ii) motorized skateboards or scooters (“shared mobility systems”) within the Town of Christiansburg as authorized by Sections 15.2-2015 and 46.2-1315 of the Code of Virginia (1950, as amended). As used herein, “bicycle”, “electric power-assisted bicycles”, “motorized skateboard or scooter” shall have the same meaning as set forth in Section 46.2-100 of the Code of Virginia (1950, as amended).
- (b) The provisions of this division shall be applicable to any deployment of shared mobility systems, either by direct or indirect rental, within the jurisdictional boundaries of the Town of Christiansburg, Virginia.

Sec. 38-101. – Permit required; violations; revocation.

- (a) Any person seeking to operate a shared mobility system within the Town of Christiansburg, Virginia, shall first obtain a Shared Mobility System Permit for a fee of One Hundred Dollars (\$100.00) from the Town Council, conditioned on compliance with any and all operating regulations as may be adopted and amended by the Town. Such permit shall be renewable on an annual basis.
- (b) A permittee shall be required to obtain a business license, as provided for in Chapter 18 of the Christiansburg Code, and shall be responsible for all applicable local fees and costs.

(c) It shall be unlawful to operate a shared mobility system without a permit. Any person who operates a shared mobility system without a permit shall be subject to a civil penalty not to exceed One Thousand Dollars (\$1,000.00) for each violation at the discretion of the court. Each day of violation shall be a separate offense.

(d) The Town Manager or his designee may revoke a Shared Mobility System Permit without prior notice for failure to comply with the operating regulations adopted by the Town.

Sec. 38-102. – Appeal.

Any person whose Shared Mobility System Permit application has been denied or revoked may file an appeal with the Town Manager by submitting a written statement setting forth the basis of the appeal to the Town Manager within ten (10) business days of the denial or revocation. The Town Manager shall issue a final decision on the appeal within ten (10) business days. Any permittee whose Shared Mobility System Permit has been revoked may not apply for another Shared Mobility System Permit for six (6) months.

EFFECTIVE DATE OF THIS ORDINANCE:

This ordinance shall be effective immediately upon passage.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held November 19, 2019, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Samuel M. Bishop	X			
Harry Collins	X			
Steve Huppert	X			
Merissa Sachs	X			
Henry Showalter	X			
Bradford J. Stipes	X			
Mayor D. Michael Barber*				

Mayor D. Michael Barber*

*Votes only in the event of a tie.

D. Michael Barber

D. Michael Barber, Mayor

Michele M. Stipes

Michele M. Stipes, Town Clerk