

ORDINANCE NO. 4410

AN ORDINANCE to amend and reordain Section 10-3-7 (DRIVING ON SIDEWALKS), Section 10-3-13 (RIDING UPON MOTORCYCLES AND PLACE OF OPERATION OF MOTORCYCLES AND MOPEDS), all of Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC); and to add a new Section 10-3-16 (OPERATION OF MOTORCYCLES ON CITY STREETS) to Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-3-7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-7 Driving on sidewalks.

No person shall drive any vehicle, including bicycles, *mopeds* and motorcycles, upon any sidewalk except while actually crossing the sidewalk at a temporary or permanent driveway. As used in this section, Asidewalk@ means any any public sidewalk or pedestrian walkway, park, square or plaza in the city; and any private sidewalk or pedestrian walkway, park, square or plaza in the city to which the general public is regularly afforded access by easement, invitation or license.

Section 2. That Section 10-3-13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-13 Riding upon motorcycles and place of operation of motorcycles or mopeds.

- (a) A person operating a motorcycle as defined in section 10-1-1 herein, but excluding four-wheeled and three-wheeled vehicles for the purpose of this subsection, shall ride only upon the permanent and regular seat attached to the motorcycle, and such operator shall not carry any other person, and no other person shall ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the seat for the operator. If such motorcycle is designed to carry more than one person, it shall also be equipped with a footrest for the use of such passenger. A person operating a motorcycle shall wear a face shield, safety glasses or goggles or have his motorcycle equipped with safety glass or a windshield at all times while operating said vehicle; and operators and passengers thereon, if any, shall wear protective helmets. Operators and passengers riding motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles which have nonremovable roof, windshield and enclosed body shall not be required to wear protective helmets.

- (b) No moped shall be driven on any highway or public vehicular area (i) faster than 30 miles per hour, or (ii) by any person under the age of 16 years. Every person driving a moped shall carry some form of identification that includes the person=s name, address and date of birth. As used in this subsection, Ahighway or public vehicular area@ means any public street, parking lot or parking structure, and any private street, parking lot or parking structure to which the general public is regularly afforded access by easement, invitation or license, but excluding sidewalks as defined in section 10-3-7.
- (c) Every person operating a moped on a public street or highway shall wear a face shield, safety glasses or goggles of a type approved by the superintendent of state police, or have his moped equipped with safety glass or a windshield, at all times while operating such vehicle, and operators and all passengers thereon shall wear protective helmets of a type approved by the superintendent.
- (d) No person shall operate any motorcycle or moped upon any public property in the city, except that this provision shall not apply to the operation of such vehicles upon the streets in compliance with applicable sections of this code and of the Code of Virginia (1950), as amended, nor shall this provision apply to the operation of publicly owned motorcycles, of emergency vehicles, or of implements including self-propelled mowers designed and used for mowing lawns. This provision shall be applicable only where there has been posted upon the property in question a sign or signs including that such operation is prohibited by the use of the words "motorcycle or moped riding prohibited" or words of similar import.
- (e) Any person who violates subsection (a) or (d) shall be guilty of a class 3 misdemeanor and shall be punished as provided in section 1-1-8 of this code. Any person who knowingly violates subsection (b) or (c) shall be guilty of a traffic infraction and shall be subject to a fine of not more than \$50.

Section 3. That Title 10 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Section 10-3-16 to read as follows:

Sec. 10-3-16 Operation of motorcycles on City streets.

- (a) No person shall ride or drive any motorcycle on any city street or public vehicular area unless such person is licensed in accordance with Title 46.2 of the Code of Virginia.
- (b) No person shall ride or drive any motorcycle on any city street or public vehicular area unless such motorcycle is equipped with all safety equipment required by state law for a motorcycle and the motorcycle is licensed or registered by the Virginia Division of Motor Vehicles.
- (c) As used in this section, A city street or public vehicular area@ means any public street, parking lot or parking structure in the city, and any private street, parking lot or parking structure in the city, to which the general public is regularly afforded access by easement, invitation or license, but excluding sidewalks as defined in section 10-3-7.

Section 4. That this ordinance shall become effective at the time and on the date of final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 21, 2005

