

**ORDINANCE AMENDING AND RE-ENACTING TITLE 6 CHAPTER 1 –
 STREETS AND SIDEWALKS ARTICLE A – GENERAL PROVISIONS
 SECTION 6-1-18 - STORING, ETC., GOODS ON SIDEWALK OR IN
 GUTTER
 AND
 TITLE 13 CHAPTER 1 TRAFFIC AND PARKING REGULATIONS
 ARTICLE A – GENERAL PROVISIONS SECTIONS 13-1-1, 13-1-53, 13-2-7,
 13-2-9 AND 13-2-10 OF THE CODE OF ORDINANCES
 CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

Sec. 6-1-18. - Storing, etc., goods on sidewalk or in gutter.

It shall be unlawful for any person to store, keep or expose for show ~~or sale, sale, or rental,~~ any goods, wares, vehicles, or other merchandise or property ~~in any gutter or on or over any sidewalk on public rights-of-way without a license, permit, or franchise issued by the city. Any such merchandise or property encroaching on public rights-of-way without a license, permit, or franchise may be taken into custody and impounded by the chief of police, any officer of the police department, or any employee of the department of public works, and require the payment of a reasonable fee as established by the city manager for such impoundment prior to the return of such merchandise or property.~~

Sec. 13-1-1. - Definitions.

Words and phrases used and contained in this ~~chapter title~~ shall have the meanings ascribed to them by § 46.2-100 of the Code of Virginia, as amended from time to time, except where the context clearly requires a different meaning.

Sec. 13-1-53. - Parking on sidewalk, pedestrian crossing or driveway.

- (a) It shall be unlawful for any person to park a vehicle on or near a sidewalk or pedestrian crossing in such a way as to block or obstruct the free passage of pedestrians or with any portion of the vehicle on or overhanging any portion of the sidewalk.
- (b) It shall be unlawful for any person to park a vehicle, including a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized foot-scooter, or motorized skateboard, in such a manner as to block in whole or in part any driveway or entryway.

Sec. 13-2-7. - ~~Bicycles and skateboards riding~~ Riding on sidewalks; riding bicycles on frame or without holding handlebars.

- (a) It shall be unlawful for any person to operate or ride a bicycle ~~and/or~~, skateboard, electric personal assistive mobility device, electric power-assisted bicycle, motorized foot-scooter, or motorized skateboard upon any sidewalk or pedestrian walkway in the downtown area enclosed by the following streets; the west side of Liberty Street between Bruce Street and Elizabeth Street; the south side of Bruce Street between Liberty Street and Mason Street; the east side of Mason Street between Bruce Street and Elizabeth Street and the north side of Elizabeth Street between Mason Street and Liberty Street. Signs indicating such prohibition shall be conspicuously posted in the above area.
- (b) It shall be unlawful for any person to ride a bicycle upon any street or alley in the city without having his or her hands upon the handlebars of such bicycle. It shall be unlawful for any person to ride, or to permit another to ride, on the frame or on the handlebars of any bicycle operated on any street or alley in the city.
- (c) It shall be unlawful for more than one (1) person to ride on a motorized foot-scooter at a time.
- (d) Violations of this section shall be punishable by a civil penalty of \$ 50.

Sec. 13-2-9. - Parking ~~on sidewalk in public rights-of-way before certain buildings.~~

It shall be unlawful for any person to park a bicycle ~~on a sidewalk in front of any building having glass windows extending to within two (2) feet of the sidewalk.~~, skateboard, electric personal assistive mobility device, electric power-assisted bicycle, motorized foot-scooter, or motorized skateboard in a manner that unreasonably impedes pedestrian or vehicular traffic on a public roadway, shared-use path, or sidewalk. For purposes of the section, parking unreasonably impedes pedestrian traffic on a sidewalk when it leaves a route width of less than four (4) feet.

Sec. 13-2-10. - Requirement to wear helmets.

It shall be unlawful for any person fourteen (14) years of age or younger to ride or be carried on a bicycle, ~~an~~ electric personal assistive mobility device, ~~a~~ toy vehicle, ~~or an~~ electric power-assisted bicycle, motorized foot-scooter or motorized skateboard all as defined in § 46.2-100 of the Code of Virginia, 1950, as amended on any city street, sidewalk, or public bicycle path without wearing a protective helmet that at least meets the consumer product safety commission standard. Violation of this section shall be punishable by a fine of twenty-five dollars (\$25.00), however, such fine shall be suspended (i) for first-time violators and (ii) for violators, who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this section. Violations 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, electric personal assistive mobility device, toy vehicle, or electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

This ordinance shall be effective from the 12 day of February, 2018. Adopted and approved this 12th day of February 2018.

Danna R. Reel

MAYOR

ATTESTE:

Patricia Ulmer

~~DEPUTY~~ CITY CLERK