

## ORDINANCE NO. 5256

AN ORDINANCE to amend and reordain Chapter 1 (GENERAL PROVISIONS) of Title 6 (PARKS, RECREATION AND CULTURAL ACTIVITIES) and Chapter 1 (GENERAL PROVISIONS), Chapter 3 (OPERATION OF VEHICLES), and Chapter 7 (BICYCLES) of 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 Title 6, Chapter 1, and Title 10, Chapters 1, 3, and 7 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended by deleting the language shown in strikethrough and adding the language shown as underlined as follows:

### **TITLE 6 – Parks, Recreation and Cultural Activities** **CHAPTER 1 – General Provisions**

**Sec. 6-1-4 - Market Square—prohibited conduct: riding mopeds, skateboards, ~~or~~ bicycles, or micromobility devices; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; and willful and malicious damage or defacement of public facilities.**

- (a) It shall be unlawful for any person to ride any moped, skateboard, ~~or~~ bicycle, or micromobility device, as defined in section 10-1-1 of this code, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or property lawfully on display or loaned to the city; or to play any portable radio, tape player or other electronic sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user at any place within the city's public area known as Market Square, which square lies between the 100 blocks of North Royal and North Fairfax Streets, bounded on the south side by King Street and on the north by city hall; provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in Market Square in the performance of their duties.
- (b) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of Market Square consistent with the intent of this section.

### **Sec. 6-1-5 - Same—rules and regulations governing use.**

The rules and regulations governing the use of Market Square public facilities shall be as follows:

- (1) The city manager shall promulgate rules and regulations to permit, the regular use of Market Square for public activities. The rules shall designate the criteria under which Market Square use is permitted, including, but not limited to:
- (a) a specification that permits shall be handled on a first-come, first-served basis, but applications will not be accepted more than three months in advance;

- (b) a specification that requests shall be subject to availability as limited by regular maintenance schedules established by the city manager;
  - (c) a requirement that the scheduled use complies with all federal, state and local laws;
  - (d) a requirement that the activity be open to the general public without an admission charge;
  - (e) a preference for Alexandria residents among applicants;
  - (f) a requirement that if past use of Market Square by the applicant has resulted in any damage to Market Square, or resulted in the use of sound-amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;
  - (g) a requirement that if the performance or activity is likely to result in a breach of the peace or the use of sound-amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;
  - (h) a requirement that if administrative expenses associated with the performance or activity will exceed 50 percent of the ordinary expenses of the average Market Square activity or performance as determined by the department of general services' data, then that may be grounds for permit denial; and
  - (i) any other criteria consistent with the intent of this section,
- (2) The city manager shall also establish:
- (a) procedures for permit applications;
  - (b) procedures for appeals of permit denials;
  - (c) fee schedules when city services beyond established regular service levels are required for the activity or performance;
  - (d) permitted hours for schedule performances or activities; and
  - (e) any other criteria necessary to the safe, efficient and orderly use of Market Square for performances or activities.
- (3) All use of Market Square shall comply with city code section 6-1-4 which prohibits certain specified activities in Market Square.

**Sec. 6-1-6 - The publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River Prohibited conduct; riding mopeds, skateboards, ~~or~~ bicycles, or micromobility devices; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; entering the Potomac River from any dock, wharf, pier, bulkhead, piling, or quay adjacent to said open space for purposes of swimming; and willful and malicious damage or defacement of public facilities.**

- (a) It shall be unlawful for any person to ride any moped, skateboard, ~~or~~ bicycle, or micromobility device, as defined in section 10-1-1 of this code, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or

property lawfully on display or loaned to the city; or to play any portable radio, tape player or any other sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user, or to enter the Potomac River from any dock, pier, bulkhead piling, or quay adjacent to said open place, at any place within the city's public open space lying east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River; provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in said public space in the performance of their duties.

- (b) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of the publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right of right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River, consistent with the intent of this section.

**Sec. 6-1-7 - Use of radios, tape players or other electronic sound-producing devices without individual headsets or earphones in Beverly Park prohibited.**

It shall be unlawful for any person to operate any radio, tape player or other electronic sound producing device without the use of individual headsets or earphones that limit the sound produced to the individual user at any place within the city's park known as Beverly Park located at North and South Overlook Drives in the city.

**Sec. 6-1-8 - Conduct prohibited by official sign.**

- (a) Within the boundary of any public park in the city, it shall be unlawful for any person, contrary to an official sign, to:
  - (1) remain on the premises after park closing;
  - (2) swim, wade or bathe, except for the purpose of saving a drowning person;
  - (3) hunt or fish;
  - (4) play baseball, football, volleyball, golf, tennis, or other organized games or sports, except in designated areas;
  - (5) fly any powered model airplane or rocket, or similar device;
  - (6) camp or use the park for living accommodations;
  - (7) make any fire, or barbecue, grill or otherwise cook any food;
  - (8) solicit or demand any gifts, money, goods or services;
  - (9) sell or offer for sale any goods or service;
  - (10) operate any radio, television, CD, DVD or tape player, or other sound producing device, without the use of headsets or earphones;

- (11) ride or operate any bicycle **or micromobility device, as defined in section 10-1-1 of this code**, except on designated bike paths; provided, that this provision shall not apply to law enforcement personnel;
  - (12) ride or operate any roller skates, roller blades or **skateboards**~~skate boards~~;
  - (13) ride or operate any moped or motor vehicle, except in designated areas or on designated paths; provided, that this provision shall not apply to law enforcement personnel and other authorized city employees; and
  - (14) permit any animal to enter, to be on or to remain on park premises, other than cats, or dogs that are either on a leash or within a designated dog exercise area.
- (b) It shall also be unlawful for any person, after having been specifically directed by a police officer, or by an employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section, to cease engaging in conduct that is unlawful under subsection (a), to refuse or fail to cease engaging in the conduct.
  - (c) The city manager is authorized to post one or more official signs, prohibiting some or all of the conduct specified in subsection (a), in any public park in the city. In determining the conduct to prohibit in a park, the manager shall consider the type and nature of the park, its intended uses and existing facilities, its proximity to residential areas, and such other factors as may be relevant to secure public order and safety in, and the efficient and enjoyable use of, the park.
  - (d) Official signs posted in a park pursuant to this section shall be located at each principal entrance to the park and, in the case of a linear park, at intervals of not less **than**~~that~~ 1,000 feet. Additional signs, including signs establishing prohibitions not generally applicable within the park, may be posted so as to give reasonable notice of the prohibition.
  - (e) As used in this section:
    - (1) A public park in the city shall mean any park, plaza, square or other outdoor area open to the general public for active or passive recreational use (i) which is owned in fee by the city, (ii) which is operated by the city under license from the United States or the Commonwealth of Virginia, or an agency thereof, (iii) as to which the city or the United States, or both, hold an easement for public park or waterfront access purposes, or (iv) which is owned or operated by any other public or private entity, so long as the owner or operator thereof has consented, in writing, to the exercise by the city manager of the authority conferred by this section, and the city manager has consented, in writing, to exercise such authority over the area and facilities of such owner or operator.
    - (2) A camp or use the park for living accommodations shall mean sleeping, making preparations to sleep (including laying down bedding), storing personal belongings, making a fire, using a vehicle, tent, shelter or other structure for sleeping, digging or earth breaking, or undertaking cooking activities. Any of the listed activities constitute camping or the use of the park for living accommodations when it reasonably appears, in light of all the circumstances, that the person, in conducting the activities, is in fact using the area as a living accommodation, regardless of the actual intent of the person, or the nature of any other activities in which the person may be engaging.

(f) Enforcement and penalties:

- (1) This section shall be enforced by any police officer, and, in addition, by any employee of the department of recreation, parks, and cultural activities authorized in writing by the city manager to enforce this section.
- (2) Any violation of the provisions of subsection (a) shall be punished as a class four misdemeanor.
- (3) Any violation of the provisions of subsection (b) shall be punished as a class two misdemeanor.

(g) Miscellaneous provisions:

- (1) The provisions and penalties of this section are cumulative and not exclusive, and shall not be construed as repealing any other provision of this code or any other remedy to prevent, correct, restrain or abate a violation of the code.
- (2) Any person who posts a sign in any public park in the city which purports to regulate public conduct or behavior within the park, and who is not authorized to do so by this section or another provision of this code, shall be guilty of a class four civil violation. Any such sign shall be forthwith removed by the director of recreation, parks and cultural activities. Any person who defaces, damages or alters a sign that has been posted pursuant to this section shall be guilty of a class four civil violation.
- (3) The director of recreation, parks and cultural activities is authorized to issue permits for the use of any public park in the city as the location for a gathering, game, event or similar occasion. Such permits shall be in writing, and shall set forth such terms and conditions as the director determines may be reasonable. In issuing these permits, the director may exempt the permitted gathering, game, event or similar occasion from some or all of the prohibitions of conduct established by signs posted pursuant to this section; provided, that any such exemption shall be expressly set out in the issued permit, and the permittee shall at all times keep a copy of the permit at the site of the gathering, game, event or other occasion, and shall make the copy available for inspection by any police officer or employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section.

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## **Title 10 – Motor Vehicles and Traffic**

### **CHAPTER 1 – General Provisions**

#### **Sec. 10-1-1 - Adoption of state law.**

- (a) Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 and article 2 of chapter 7 of title 18.2 of the Code of Virginia, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which by their very nature can have no application to or within

the city, are hereby adopted and incorporated into this section by reference and made applicable within the city. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the city. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this section as fully as though set forth at length herein; and it shall be unlawful for any person within the city to violate or fail, neglect or refuse to comply with any provision of title 46.2 or article 2 of chapter 7 of title 18.2 of the Code of Virginia, which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 or article 2 of chapter 7 of title 18.2 of the Code of Virginia.

- (b) All definitions of words and phrases contained in the state law hereby adopted shall apply to such words and phrases when used in this chapter, unless clearly indicated to the contrary.
- (c) In addition to the definition of words and phrases contained in the state law, the following words and phrases, when used in this title shall, for the purposes of this title, having the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:
  - (1) *Authorized emergency vehicle.* Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police of the city.
  - (2) **Bike lane. That portion of a street designed and used for bicycle travel and other similar modes such as micromobility devices.**
  - (3)(2) *Curb loading zone.* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
  - (4)(3) *Division.* The division of motor vehicles of the state acting directly or through it duly authorized officers and agents.
  - (5)(4) *Driver.* Every person who drives or is in actual physical control of a vehicle.
  - (6)(5) *Freight curb loading zone.* A zone adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.
  - (7)(6) *High occupancy vehicle.* A vehicle which has three or more occupants.
  - (8)(7) *Limited-access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except as points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.
  - (9) **Micromobility device. A small, fully or partially electric, battery, or gas-powered vehicle that is designed for personal transport and often shared for short, point to point trips. Micromobility devices include, but are not limited to, motorized skateboards or scooters, electric power-assisted bicycles, and electric personal assistive mobility devices. Such definition excludes "wheelchairs" and "other power-driven mobility devices" as those terms are defined in Virginia Code 10.1-204**

- ~~(10)(8)~~ *Park*. When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- ~~(11)(9)~~ *Passenger curb loading zone*. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- ~~(12)(10)~~ *Pedestrians*. Any person afoot.
- ~~(13)(11)~~ *Police officer*. Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- ~~(14)(12)~~ *Private roadway or driveway*. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- ~~(15)(13)~~ *Railroad*. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.
- ~~(16)(14)~~ *Railroad train*. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.
- ~~(17)~~ **Roadway. That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any roadway separately but not to all roadways collectively.**
- ~~(18)~~ **Shared-use path. A bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the roadway right-of-way or within a separate right-of-way. Unless otherwise stated by an official sign, sShared-use paths are intended for use by bicycles and micromobility devices and may also be used by pedestrians, skaters, users of wheel chair conveyances, joggers, and other nonmotorized users.**
- ~~(19)(15)~~ *Sidewalk*. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- ~~(20)(16)~~ *Stop*. When required, means complete cessation of movement.
- ~~(21)(17)~~ *Stop, stopping or standing*. When prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- ~~(22)(18)~~ *Street*. The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the city, including the street, alleys and publicly maintained parking lots and for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by city council.
- ~~(23)(19)~~ *Through highway*. Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

~~(24)(20)~~ *Traffic*. Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

~~(25)(21)~~ *Traffic-control signal*. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

~~(26)(22)~~ *Traffic division*. The traffic division of the police department of this city, or in the event a traffic division is not established, then such term whenever used herein shall be deemed to refer to the police department of this city.

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### CHAPTER 3 – Operation of Vehicles

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#### 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, "sidewalk" means 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.

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### CHAPTER 7 - Bicycles and Micromobility Devices

Sec. 10-7-1 - reserved.

Sec. 10-7-2 - reserved.

Sec. 10-7-3 - reserved.

#### Sec. 10-7-4 - Non-roadway bicycle routes; duties of riders.

Unless designated by signage prohibiting such conduct, persons may ride a bicycle or micromobility device upon any sidewalks located within the city, subject to the following conditions

- (a) Riding a micromobility device on all sidewalks in the city shall be prohibited.
- (b) A person riding a bicycle or micromobility device on a sidewalk or shared-use path shall yield the right-of-way to any pedestrian and shall give an audible signal, either verbally or by the use of a bell or other device capable of giving a signal audible for a distance of 100 feet, before overtaking and passing any pedestrian.



- (c) A person riding a bicycle on a sidewalk or shared-use path shall have all the rights and duties of a pedestrian under the same circumstances.
- (d) The foregoing sections shall not apply to bicycles operated by police officers in the course of their law enforcement duties.
- (e) Bicycling on the sidewalk shall be prohibited in King Street/Union Street Commercial Zone. This zone is on King Street, from West Street east to the Potomac River, and on Union Street, between Prince Street and Cameron Street.
- (f)** The designation of additional zones within which riding bicycles on the sidewalk is prohibited shall be determined by the director of transportation & environmental services after consultation with the chief of police and a public hearing before and recommendation from the traffic & parking board, pursuant to criteria to be promulgated by the director of transportation and environmental services.

**Sec. 10-7-5 – Definitions. reserved.**

The following words, when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

- (1) ~~*Bicycle.* A device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached hereto, having two or more wheels in tandem, including children's bicycles except a toy vehicle intended for use by young children. A bicycle is a vehicle when operated on the roadway.~~
- (2) ~~*Roadway.* That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any roadway separately but not to all roadways collectively.~~
- (3) ~~*Sidewalk.* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.~~
- (4) ~~*Shared use path.* A bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the roadway right of way or within a separate right of way. Shared use paths may also be used by pedestrians, skaters, users of wheel chair conveyances, joggers, and other nonmotorized users.~~
- (5) ~~*Bike lane.* That portion of a street designed and used for bicycle travel.~~

**Sec. 10-7-6 - Manner of operating on roadway.**

Every person riding a bicycle **or micromobility device** upon a roadway has all rights and is subject to all the duties applicable to the driver of a motor vehicle except those provisions which by their very nature can have no application or to the extent that different rights and restrictions are expressly imposed by this chapter or applicable state law.

**Sec. 10-7-7 - reserved.**

**Sec. 10-7-8 - Passengers.**

No bicycle operated in the city shall be used to carry more persons at one time than the number of persons for which it is designed and equipped. **No micromobility device operated in the city shall be used to carry more than one person.**

**Sec. 10-7-9 - Riding abreast.**

Persons riding bicycles or micromobility devices upon roadways, may ride two abreast so long as they do not impede traffic. Persons riding bicycles or micromobility devices may not ride more than two abreast.

**Sec. 10-7-10 - Parking.**

No person shall park a bicycle or micromobility device in the city in a manner that unreasonably impedes pedestrian or vehicular traffic on a public roadway, shared-use path or sidewalk.

Section 2. That Title 6, Chapter 1, and Title 10, Chapters 1, 3, and 7, as amended pursuant to Section 1 of this ordinance, be, and the same hereby are, reordained as part of the Code of the City of Alexandria.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

  
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**JUSTIN M. WILSON**  
Mayor

ATTEST:

  
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Gloria A. Sitton, CMC City Clerk

Final Passage: December 14, 2019