

ORDINANCE 20260819

ADDING NEW SECTION 28-8 TO THE CAPE CHARLES TOWN CODE TO DESIGNATE THE EASTERN SHORE RAIL TRAIL AS A PUBLIC NONMOTORIZED TRANSPORTATION FACILITY AND RECREATIONAL SHARED-USE PATH, TO PROHIBIT THE USE OF THE EASTERN SHORE RAIL TRAIL BY MOTORIZED VEHICLES UNLESS EXPRESSLY PERMITTED, TO ESTABLISH OTHER RULES GOVERNING USE OF THE EASTERN SHORE RAIL TRAIL, AND TO PROVIDE PENALTIES FOR VIOLATIONS

WHEREAS, the Eastern Shore Rail Trail Foundation is constructing, and will manage and maintain, the Eastern Shore Rail Trail ("the Trail") in Northampton and Accomack Counties; and

WHEREAS, the Trail will consist of approximately 49.1 miles of a paved shared use path extending from the Town of Cape Charles, Northampton County, to the Town of Hallwood, Accomack County; and

WHEREAS, the Trail will serve as a multi-use recreational and alternate transportation facility for general public usage; and

WHEREAS, the Board of Supervisors for Northampton County ("Board of Supervisors") has expressed its support for the Trail and took action to ensure the safety of its users by adoption of Ordinance 2026-003 at their July 14, 2026 meeting; and

WHEREAS, the Trail comes into the Town of Cape Charles, ending at the corner of Fig Street and Mason Avenue, and

WHEREAS, the Cape Charles Town Council ("Town Council"), along with the Board of Supervisors, intends for the Trail to function as a nonmotorized alternate transportation facility and recreational shared-use path open to public use and subject to the jurisdiction of the Town and County; and

WHEREAS, Section 46.2-904.1 of the Code of Virginia authorizes localities to adopt ordinances prohibiting the operation of certain electric power-assisted bicycles on shared-use paths over which it has jurisdiction; and

WHEREAS, the Town Council wishes to prohibit the use of the Trail by motor vehicles, including but not limited to golf carts, motorized skateboards, motorized scooters, and Class Three electric power-assisted bicycles; and

WHEREAS, the Town Council wishes to allow use of the Trail by Class One and Class Two power-assisted bicycles, motorized vehicles used by emergency personnel, and motorized vehicles used by an individual with mobility disabilities.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cape Charles, that the Cape Charles Town Code be amended to add a new Section 28-8 as attached,

BE IT FURTHER ORDAINED that this ordinance shall be in force and effect upon adoption.

Adopted by the Town Council of the Town of Cape Charles on August 19, 2026.

By: _____
Adam Charney, Mayor

ATTEST:

Libby Hume, Town Clerk