

-DRAFT-

AN ORDINANCE AMENDING CHAPTER 46 OF THE HAYMARKET CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR USE AND RENTAL OF MOTORIZED SKATEBOARDS OR SCOOTERS, BICYCLES, OR ELECTRIC POWER-ASSISTED BICYCLES.

WHEREAS, the Town of Haymarket (the “Town”) is proactive in welcoming new models of transportation within the marketplace, while creating policies to limit their potentially negative impacts, in order to continue the Town’s responsible stewardship of the public right-of-way, as well as provide thoughtful response and adaptation to the transportation needs of the community; and

WHEREAS, the emergence of e-bikes, e-scooters, and shared mobility devices (SMDs) has created a new challenge for local governments; and

WHEREAS, pursuant to Code of Virginia 46.2-1315, the purpose of this ordinance is to establish rules and regulations governing the operation of motorized skateboards or scooters, bicycles, and electric power-assisted bicycles within the Town and to ensure that such mobility sharing devices and systems are consistent with the safety and well-being of citizens, and other users of the public rights-of-way in the Town; and

WHEREAS, Virginia law prohibits the use of town streets in a manner not permitted to the general public, without first obtaining permission from the Town’s governing body. See Virginia Code § 15.2-2015; and

WHEREAS, pursuant to Virginia Code §§ 15.2-2015 and 46.2-1315 this ordinance applies to any personal use by individual users as well as the deployment of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles by licensees within the Town’s jurisdictional boundaries.

NOW, THEREFORE, BE IT ORDAINED, on this _____ day of _____, 2026, by the Council of the Town of Haymarket, Virginia that Article IV is hereby added to Chapter 46 of the Town of Haymarket Code of Ordinances, to read as follows:

ARTICLE IV. REGULATION OF USE AND RENTAL OF MOTORIZED SKATEBOARDS OR SCOOTERS, BICYCLES, OR ELECTRIC POWER-ASSISTED BICYCLES.

Section 46-200. - Policy Statement and Purpose

The purposes of this Article is to establish rules and regulations governing the operation of motorized skateboards, motorized scooters, electric scooters, motorized bicycles, electric power-assisted bicycles, shared mobility devices, non-internal combustion engines with three wheels or less and Shared Mobility Systems within the Town to protect the health, safety, and welfare of the citizens of the Town and the general public. These provisions apply to individual users of motorized skateboards, motorized scooters, electric scooters, motorized bicycles, electric power-

assisted bicycles, shared mobility devices, non-internal combustion engines with three wheels and the deployment of Shared Mobility Systems, including direct rental or similar programs, within the Town.

Section 46-201. - Definitions

Device means motorized skateboards, motorized scooters, electric scooters, motorized bicycles, electric power-assisted bicycles, shared mobility devices, including any aforementioned devices that have non-internal combustion engines with three wheels or less, and other devices specified in Virginia Code Section 46.2-1315, as defined herein.

Electric power-assisted bicycle means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider, and includes docked and dockless electric power-assisted bicycles.

Geo-fencing means a virtual perimeter that operates with a Device's onboard GPS to authorize parking of the Device, to prevent or limit operation of the Device, and/or to provide an alert notice to the Licensee or Customer, whenever the Device crosses the perimeter.

Shared mobility device means motorized skateboards, motorized scooters, electric scooters, motorized bicycles, electric power-assisted bicycles, and other devices specified in Virginia Code Section 46.2-1315 that users can access on an as-needed basis for a fee.

Shared Mobility System means a transportation system that allows users to gain access to shared mobility devices on an as-needed basis for a fee, rather than through ownership.

Motorized skateboard or scooter means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand and (ii) is powered in whole or in part by an electric motor. "Motorized skateboard or scooter" includes docked and dockless electric stand-up scooters (e-scooters) and gas-powered scooters, but does not include "electric personal assistive mobility devices."

License means authorization issued by the Town to operate a Shared Mobility System under this Article.

Licensee means a person or entity who receives a License issued by the Town to operate a Shared Mobility System under this Article in order to offer the use and/or rental of Devices for a fee.

Town Manager means the Town Manager and their designee.

Sec. 46-202. – Safe Riding Requirements for Persons Using a Device.

The following provisions apply to any and all users and operators of Devices within the Town.

- (a) No person shall use a Device on any town sidewalk.

- (b) No person shall park a Device in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.
- (c) No person shall operate a Device at a speed faster than 25 miles per hour.
- (d) Every person fourteen (14) years of age or younger shall be required to wear a protective helmet which meets the standards promulgated by the Consumer Product Safety Commission Standards whenever operating, riding or being carried on a Device within the Town. No person less than 14 years old shall drive or operate any Device unless wearing a helmet and under the immediate supervision of a person who is at least 18 years old.
- (e) It shall be unlawful for any person to operate a Device on the highways in the Town while using or wearing earphones. For the purposes of this Section, "earphones" shall mean any device worn in or on one ear or both ears that converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but shall not include any prosthetic device that aids the hard of hearing.
- (f) Every person operating a Device is required to:
 - 1. Comply with traffic control signs, devices and signals including, but not limited to, stop signs, yields signs, traffic lights and other traffic control devices as provided in the Code of Virginia;
 - 2. Comply with traffic laws regarding lane usage and rights-of-way as provided in the Code of Virginia;
 - 3. Yield the right of way to pedestrians at crosswalks as provided in the Code of Virginia; and
 - 4. Otherwise comply with the traffic laws and regulations in Code of Virginia Sections 46.2-800 through 46.2-946.
- (g) Operating Devices while texting or while under the influence of alcohol or other intoxicants is prohibited.
- (h) Any person or operators of Devices that are found to be in violation of this section shall be subject to a fine in the amount of \$150.00.
- (i) Any person who operates a Device in a careless, reckless, or otherwise unsafe manner so as to endanger the life, limb, or property of any person, including but not limited to excessive speed, failure to obey traffic control devices, or operation in prohibited areas, shall be guilty of a Class 1 misdemeanor and subject to the penalties thereof.

Sec. 46-203. - License Requirements for Licensees of Motorized Skateboards or Scooters, Bicycles, or Electric Power-Assisted Bicycles for Hire.

- (a) Any person or entity seeking to operate a Shared Mobility System within the Town shall first obtain a License from the Town, conditioned on compliance with this ordinance. The Licensee will be required to obtain a business license and will be responsible for all applicable local fees and taxes.
- (b) The person or entity shall provide a copy of their Virginia Business License and Virginia Certificate of Good Standing.
- (c) Each person or entity shall pay a single up-front flat fee of \$5,000 upon submittal of their License Application for each fleet of Devices.
- (d) No person or entity shall operate a Shared Mobility System within the Town without a License. Any person or entity who operates a Shared Mobility System without a License shall be subject to a civil penalty of one thousand dollars (\$1000.00) for each violation. Each day of violation shall constitute a separate offense.
- (e) The Town Manager may revoke any License without prior notice for failure to comply with this ordinance.
- (f) Any person or entity whose License application has been denied, or whose License has been revoked or terminated, may file an appeal by submitting a written statement to the Town Clerk within ten business days of the denial or revocation. The written statement shall describe the basis of the appeal. The Town Council shall issue a final decision on the appeal within forty-five (45) business days. Any Licensee whose License has been revoked may not apply for another License within six months and the Licensee must remove all shared mobility devices from any public place in the Town within 48 hours of receiving the notice of revocation.
- (g) The Licensee shall maintain a \$5,000 surety bond which the Town may use to pay costs related to removing and storing devices that do not comply with these License requirements, if such costs are not borne by Licensee.

Sec. 46-204. - Transfer of Licenses.

No Licensee may transfer any License without the advance written consent of the Town Manager. The Town Manager may deny a transfer of a License if the transferee has violated a License or violated a similar ordinance in another locality, or if the transferee does not have proof of proper insurance coverage. A transferee shall accept responsibility for all outstanding violations, removal and storage fees for removed Devices, bonds, and Operating Conditions applicable to the transferring Licensee.

Sec. 46-205.- Device Equipment Requirements.

- (a) All Devices must meet the standards established in the Code of Virginia, including lighting during operation in darkness.
- (b) All Devices shall meet the safety standards established in the Code of Virginia requiring both headlight and taillight.
- (c) An operator identifier must be permanently affixed to each Device.
- (d) All Devices must be equipped with hardware that allow the Licensee to render by remote means a device inoperable if it has been reported to Licensee as being damaged or defective.
- (e) Licensee shall establish service area boundaries to designate areas of Device deployment.
- (f) All Devices shall be equipped with an on-board GPS capable of providing real-time location and limiting operation of the Device through Geo-fencing.

Sec. 46-206. - Device Operations for Licensees.

- (a) Each License shall designate the specific number of Devices that the Licensee may deploy in the Town.
- (b) The Town Manager reserves the right to order the removal of all abandoned or discarded devices in the Town. If not removed in a timely fashion, the Town may use a towing company to remove the Devices. The Licensee will then be responsible for paying the towing service a reasonable fee for each Device removed as well as any storage fees.
- (c) Licensees must be aware of and plan for Town, providing additional staffing, rider education/awareness, and temporary no-ride and no-park zones as necessary.

- (d) Licensees shall provide administrative access for Town officials to relocate Devices that are blocking the public right-of-way or creating obstacles for vehicles or pedestrians.

Sec. 46-207. Parking Requirements for Use of a Device.

The following provisions apply to Licensees, users and operators of Devices, as specifically stated herein.

- (a) Devices must be parked upright on hard surfaces in a manner that does not obstruct or impede the public right of way.
- (b) Licensee shall designate the parking area for Devices and Licensee shall provide visible markings that identify the designated parking area. The Licensee shall provide signage that directs Device users to the designated parking area. Licensee shall be responsible for removing Devices that are parked outside of the designated parking area.
- (c) Devices are to be parked in such a manner as to provide a 4-foot pedestrian clear zone area in the sidewalk.
- (d) Devices cannot be parked in such a manner as to impede or interfere with any fire hydrant, call box, or other emergency facility; bus bench; utility pole or box; or the reasonable use of any commercial window display, or access to or from any building.
- (e) Devices cannot be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- (f) The Town Council reserves the right to determine certain areas where parking of Devices is permitted or prohibited.
- (g) Devices cannot be parked adjacent to or within:
 - i. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - ii. Loading zones;
 - iii. Disabled parking zones;
 - iv. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - v. Curb ramps; or
 - vi. Driveways.
- (h) To the extent a Licensee desires to park Devices on Town property other than the public right-of-way (e.g., parks, plazas, parking lots, transit stations, or private property), the Licensee must first obtain the right to do so from Town Council.

- (i) Licensees shall stop placing Devices, or allowing contractors to place Devices in front of any address provided by the Town, and shall remove the devices within 48 hours of notice.
- (j) Licensees shall comply with the Town's restrictions regarding riding/parking/locking Devices in specified areas of the Town where the Devices cannot be safely operated.
- (k) Any Device found to be in violation of this section is subject to removal by the Town; the Licensee must pay thirty-five dollars (\$35.00) for each Device removed and five dollars (\$5.00) per day of storage, including the day of removal and the day of release from storage. The Town shall provide notice of removal within twenty-four (24) hours of removal.
- (l) As part of renting a Device, Licensees must require Device users to acknowledge and accept the Town's operational and parking rules.

Sec. 46-208. Customer Service

- (a) Licensees must provide easily visible contact information, including a toll-free phone number and e-mail address, on each Device for Town employees and members of the public to make relocation requests or to report other issues with devices.
- (b) Licensees must maintain a local Licensee representative and provide a direct point of contact to the Town and its residents.
- (c) Licensees shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every Device that is in service in the Town.
- (d) Upon notification that Devices are improperly parked or left unattended on any sidewalk, street, or public right-of-way under the jurisdiction of the Town, the Licensee must remove the Devices within two hours.
- (e) Licensees shall provide all riders of Devices with a mechanism to report safety or maintenance issues.
- (f) In the event that a safety or maintenance issue is reported for a Device, the Device shall immediately be de-activated and shall be removed immediately. Any inoperable or unsafe Device shall be repaired before it is put back into service.

Sec. 46-209. - Data Sharing.

Without prejudice to a Licensee's rights to, and interest in, its commercially privileged and sensitive information, Licensees agree to provide the Town the following types of data in a monthly report: total active customers, number of trips in the Town each month, average trip duration times, number of devices in service, GPS tracking data for every trip route, crashes

(giving time, date, and location), injuries, and complaints. The specific data to be provided by the Licensee will be stated in the License.

Sec. 46-210. - Insurance.

The Licensee will be required to purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits:

- (a) Workers' Compensation - Statutory requirements. This policy shall specifically list Virginia as a covered state.
- (b) Employer's Liability - \$100,000. This policy shall specifically list Virginia as a covered state.
- (c) Commercial General Liability - \$1,000,000 per occurrence. The Town and its officers, employees, agents and volunteers must be named as an additional insured and so endorsed on the policy.
- (d) Automobile Liability-\$1,000,000 per occurrence.
- (e) All insurance coverage:
 - i. shall be issued by a licensed insurance carrier authorized to do business within the Commonwealth of Virginia and otherwise acceptable to the Town;
 - ii. shall be kept in full force and effect during the life of the License; and
 - iii. prior to operating a Shared Mobility System, the Licensee shall (i) have all required insurance coverage in effect; (ii) the Licensee shall deliver to the Town the certificates of insurance for required insurance coverage, or other evidence satisfactory to the Town in its sole discretion.
- (f) Nothing contained within this ordinance shall waive the Town's sovereign immunity under law.
- (g) The Town reserves the right, but not the obligation, to revise any insurance requirement as may be necessary for the best interests of the Town, including, but not limited to, limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the Town reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.
- (h) Compliance with insurance requirements shall not relieve the Licensee of any responsibility to indemnify the Town for any liability to the Town, as specified in any other provision of this ordinance, and the Town shall be entitled to pursue any remedy in law or equity if the Licensee fails to comply with this ordinance. Indemnity obligations specified elsewhere in this ordinance shall not be negated or reduced by virtue of any insurance carrier's denial of insurance coverage for the

occurrence or event which is the subject matter of the claim, or by any insurance carrier's refusal to defend any named insured. Licensee explicitly acknowledges and understands that it assumes the risk of placing its Devices on Town property and that the Town will not be responsible for any damages to such Devices arising from their presence on Town property.

Sec. 46-211. - Civil penalties.

- (a) Any Licensee, user or operator violating this article shall be liable to the town for a civil penalty of up to five hundred dollars (\$500.00) for the first offense and up to one thousand dollars (\$1000.00) for the second and subsequent offenses, unless otherwise specified herein. Each day that the violation exists shall be a separate offense.
- (b) Any ticket for a violation of this article, shall inform the violator that he or she may avoid a trial by paying this penalty to the Town by mail or in person at the office of the director of finance within fourteen (14) calendar days following the date of the ticket. If a person charged with a violation does not elect to pay the civil penalty within fourteen (14) calendar days, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

By Order of the Town Council of the
Town of Haymarket, Virginia

BY: _____
TracyLynn Pater, Mayor

ATTEST: _____
Kimberly Henry, Clerk