



September 8th, 2026
Town Council
Regular Meeting
Ordinance 2026-12

ORDINANCE 2026-12

**AN ORDINANCE REGULATING THE OPERATION OF ELECTRIC POWER-ASSISTED BICYCLES,
ELECTRIC SCOOTERS, ELECTRIC SKATEBOARDS, AND OTHER ELECTRIC MOBILITY DEVICES WITHIN
THE TOWN OF WARRENTON, VIRGINIA
EFFECTIVE SEPTEMBER 8TH, 2026**

WHEREAS, the Town Council of the Town of Warrenton, Virginia (the “Town Council”), is committed to protecting the health, safety, and welfare of residents, visitors, pedestrians, bicyclists, motorists, and other users of public rights-of-way within the Town; and

WHEREAS, electric personal assistive mobility devices, motorized skateboards or scooters, and electric power-assisted bicycles provide alternative means of transportation but may create conflicts with pedestrians and other users when ridden or parked on sidewalks and at crosswalks; and

WHEREAS, Virginia Code § 46.2-100 defines electric personal assistive mobility devices, motorized skateboards or scooters, and electric power-assisted bicycles, including class one, class two, and class three electric power-assisted bicycles; and

WHEREAS, Virginia Code § 46.2-904 authorizes the governing body of a town, by ordinance, to prohibit the riding of electric personal assistive mobility devices, motorized skateboards or scooters, and electric power-assisted bicycles on designated sidewalks or crosswalks, requires signs indicating such prohibitions to be posted in the general areas where riding is prohibited, and provides for a civil penalty not exceeding fifty dollars (\$50.00) for a violation; and

WHEREAS, Virginia Code § 46.2-906.1 authorizes the governing body of a town, by ordinance, to require persons fourteen years of age or younger to wear qualifying protective helmets when riding or being carried on specified devices on any highway, sidewalk, or public bicycle path and prescribes the penalty and mandatory suspension provisions applicable to a violation; and

WHEREAS, Virginia Code § 46.2-908.1 establishes certain statewide equipment, speed, location, and age supervision requirements applicable to electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters; and

WHEREAS, the Town Council desires to exercise only the authority granted by the Code of Virginia, to use the statutory classifications and terminology established by the General Assembly, and to avoid duplicating or altering requirements and penalties imposed by state law; and

WHEREAS, the Town Council has not authorized a commercial shared mobility, dockless device, or rental program, and the proposed ordinance does not establish, authorize, license, permit, or regulate such a program; and

WHEREAS, after consideration of the matter, the Town Council finds that adoption of the ordinance attached hereto as Exhibit A is necessary and appropriate to promote pedestrian safety and the orderly use of public rights-of-way within the Town;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Warrenton, Virginia, assembled in regular session with a quorum present and voting, as follows:

Section 1. Adoption of Ordinance.

The Town Council hereby adopts the ordinance attached to this Resolution as Exhibit A, amending Chapter 10 of the Code of the Town of Warrenton by adding Article VI, entitled "Operation of Certain Electric Mobility Devices." Exhibit A is incorporated into this Resolution by reference as if fully set forth herein.

Section 2. Scope of Ordinance.

The Town Code Changes adopted by this ordinance are as follows:

- (a) incorporates the applicable definitions in Virginia Code § 46.2-100;
- (b) designates sidewalks within the Town as sidewalks on which the riding or operation of electric personal assistive mobility devices, motorized skateboards or scooters, and electric power-assisted bicycles is prohibited, subject to the posting and enforcement requirements of Virginia Code § 46.2-904 and the ordinance;
- (c) regulates parking to prevent obstruction of pedestrian and other traffic consistent with Virginia Code § 46.2-904;
- (d) establishes the protective-helmet requirement authorized by Virginia Code § 46.2-906.1; and
- (e) does not establish, authorize, license, permit, or regulate a commercial shared mobility, dockless device, or rental program.

Section 3. Signage and Enforcement.

The Town Manager, or the Town Manager's designee, is authorized and directed to install and maintain signs or other official traffic control devices in the general areas where riding or operation is prohibited, as required by Virginia Code § 46.2-904 and the ordinance.

No prohibition under Section 10-125 of the Town Code shall be enforced in a general area until the signs or other official traffic control devices required by Virginia Code § 46.2-904 and the ordinance have been posted in that area. Administrative implementation shall not expand the locations, devices, conduct, offenses, or penalties approved by the Town Council.

The Chief of Police and other appropriate Town officials are authorized to enforce and administer the ordinance according to its express terms and within the authority granted by the Code of Virginia.

Section 4. Effective Date.

This Resolution and the ordinance adopted herein shall become effective immediately upon adoption. Notwithstanding the effective date, the prohibition in Section 10-125 of the Town Code shall become enforceable in a particular general area only after the required signs or other official traffic control devices have been posted in that area.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is held invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Resolution. The severability of the accompanying ordinance shall be governed by its own terms.

Section 6. Repealer.

All resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of the conflict. The repeal of ordinances or parts of ordinances in conflict with the ordinance adopted herein shall be governed by the enactment provisions of the ordinance.

Attachment: Exhibit A

ATTACHMENT:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

ATTEST: _____
Town Recorder

ARTICLE VI. OPERATION OF CERTAIN ELECTRIC MOBILITY DEVICES

Sec. 10-123. Purpose and authority.

The purpose of this article is to regulate, within the limits authorized by Title 46.2 of the Code of Virginia, the operation and parking of electric personal assistive mobility devices, motorized skateboards or scooters, and electric power-assisted bicycles on sidewalks and crosswalks within the Town and to establish a helmet requirement authorized by Virginia Code § 46.2-906.1.

This article is adopted pursuant to Virginia Code §§ 46.2-904 and 46.2-906.1. Except as expressly provided in this article, nothing herein shall be construed to alter, expand, duplicate, or supersede any requirement, prohibition, offense, defense, or penalty established by the laws of the Commonwealth.

Sec. 10-124. Definitions.

For purposes of this article, the following terms shall have the same meanings as provided in Virginia Code § 46.2-100, as amended:

1. *Electric personal assistive mobility device.*
2. *Electric power-assisted bicycle*, including the classifications of class one, class two, and class three electric power-assisted bicycles.
3. *Highway.*
4. *Motorized skateboard or scooter.*
5. *Sidewalk.*
6. *Traffic control device.*

The term motorized skateboard or scooter does not include a gas-powered scooter, moped, motorcycle, electric personal assistive mobility device, electric power-assisted bicycle, wheelchair, or wheelchair conveyance.

Nothing in this article regulates or restricts the lawful use of a wheelchair or wheelchair conveyance by a person with a disability.

Sec. 10-125. Operation on sidewalks and crosswalks.

(a) All sidewalks within the Town are designated as sidewalks on which no person shall ride or operate an electric personal assistive mobility device, motorized skateboard or scooter, or electric power-assisted bicycle. No person shall ride or operate any such device across a roadway within a crosswalk where such operation is prohibited by an official traffic control device.

(b) The Town shall post and maintain signs or other official traffic control devices in the general areas where operation is prohibited, as required by Virginia Code § 46.2-904. The prohibition in subsection (a) shall be enforceable only in a general area in which the required signs or other official traffic control devices have been posted.

(c) Nothing in this section prohibits a person from walking, carrying, or otherwise transporting a device without riding or operating it.

(d) Except where prohibited pursuant to this section, a person lawfully riding or operating an electric personal assistive mobility device, motorized skateboard or scooter, or electric power-assisted bicycle on a sidewalk or shared use path, or across a roadway within a crosswalk, shall comply with all applicable requirements of Virginia Code § 46.2-904, as amended, including yielding the right-of-way to pedestrians and giving an audible signal before overtaking and passing a pedestrian.

Sec. 10-126. Parking.

No person shall park an electric power-assisted bicycle or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where parking is prohibited by an official traffic control device.. This section does not establish, authorize, license, permit, or regulate a commercial shared mobility, dockless device, or rental program.

Sec. 10-127. Protective helmets for persons fourteen years of age or younger.

(a) Every person fourteen years of age or younger shall wear a protective helmet that meets the standards established by the United States Consumer Product Safety Commission whenever riding or being carried on an electric personal assistive mobility device, motorized skateboard or scooter, or electric power-assisted bicycle on any highway, sidewalk, or public bicycle path within the Town.

(b) A violation of this section is punishable by a fine of twenty-five dollars (\$25.00). The fine shall be suspended:

1. For a first-time violator; and
2. For a violator who, after the violation but before imposition of the fine, purchases a helmet of the type required by this section.

(c) As provided in Virginia Code § 46.2-906.1, a violation of this section shall not constitute negligence or assumption of risk; be considered in mitigation of damages of any 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 a device covered by this section.

Sec. 10-128. State law operating requirements unaffected.

(a) Operators of electric personal assistive mobility devices, motorized skateboards or scooters, and electric power-assisted bicycles remain subject to all applicable provisions of the Code of Virginia, including applicable speed, age supervision, equipment, right-of-way, traffic control, and location requirements.

- (b) Nothing in this article creates a separate local offense for conduct prohibited solely by state law or changes the classification or penalty prescribed by state law.
- (c) Nothing in this article shall be construed to permit the operation of a device in a location, at a speed, or in a manner prohibited by the Code of Virginia.

Sec. 10-129. Penalty for violation of sidewalk, crosswalk, or parking provisions.

A violation of Section 10-125 or Section 10-126 is punishable by a civil penalty not exceeding fifty dollars (\$50.00), only to the extent authorized by Virginia Code § 46.2-904. A finding of liability under this section shall not be deemed a criminal conviction.

No violation of this article shall constitute a misdemeanor unless expressly so provided by a separately applicable law of the Commonwealth.

Sec. 10-130. Administration and construction.

(a) The Town Manager, or the Town Manager's designee, may install and maintain signs and other official traffic control devices necessary to implement prohibitions duly adopted by the Town Council under Section 10-125. Administrative implementation shall not expand the locations or conduct prohibited by this article.

(b) This article shall be construed consistently with Title 46.2 of the Code of Virginia. If a provision of this article conflicts with a mandatory provision of state law, the state law provision shall control.

(c) References in this article to provisions of the Code of Virginia include subsequent amendments to those provisions to the extent permitted by law.

(d) Nothing in this article shall be construed or enforced to preclude the Town from providing any reasonable modification, accommodation, or access required by the Americans with Disabilities Act of 1990, as amended, or other applicable federal or state law.

Sec. 10-131. Severability.

If any provision of this article or its application to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application, and to that end the provisions of this article are severable.

ENACTMENT PROVISIONS

1. **Repeal of conflicting provisions.** All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.
2. **Signage before enforcement.** No prohibition under Section 10-125 shall be enforced in an area until the signs or official traffic control devices required by Virginia Code § 46.2-904 and Section 10-125 have been posted in the general area of the prohibition.
3. **Effective date.** This ordinance shall become effective upon adoption, except that Section 10-125 shall become enforceable in a particular area only after the required signs or official traffic control devices have been posted i