EXHIBIT NO. 1

19
6-14-05

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 9, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER

SUBJECT: CONSIDERATION OF AN ORDINANCE REGULATING THE USE OF "POCKET BIKES" IN THE CITY

ISSUE: Consideration of an ordinance to regulate the use of "pocket bikes" in the City.

RECOMMENDATION: That City Council pass the ordinance on first reading and schedule it for public hearing, second reading and final passage on Tuesday, June 21.

DISCUSSION: Councilman Gaines requested that the City Attorney prepare an ordinance to enable the City to regulate pocket bikes in order to ensure the safety of those on such bikes and those who might be impacted by them. A pocket bike is a small motorcycle that can attain speeds of 45 m.p.h. and higher with engine displacements that range from 47 cubic centimeters ("cc") to 110 cc. Depending upon their engine displacement and top speed they can be categorized as either mopeds or motorcycles in the City and state codes.

Staff from the City Attorney's Office and the Police Department met with Councilman Gaines to discuss the proposed ordinance. The ordinance would prohibit the operation of pocket bikes on sidewalks and would prohibit their operation by persons under age 16 as well as require pocket bike operators to carry some form of personal identification. The ordinance would also restrict the operation of pocket bikes on City streets when the bikes have speeds in excess of 30 m.p.h. or engine displacement greater than 50 cc. Such bikes are characterized as motorcycles and would require the operator to have a valid motorcycle license.

ATTACHMENTS:
Attachment 1. Proposed Ordinance
Attachment 2. March 16, 2005 letter from Councilman Gaines (without attachments)

STAFF: Lt. Paul Story, Police Department

EXHIBIT NO. 2

Introduction and first reading:	6/14/05
Public hearing:	6/21/05
Second reading and enactment:	6/21/05

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 10-3-7 (DRIVING ON SIDEWALKS), Section 10-3-13 (RIDING UPON MOTORCYCLES AND PLACE OF OPERATION OF MOTORCYCLES AND MOPEDS), all of Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC); and to add a new Section 10-3-16 (OPERATION OF MOTORCYCLES ON CITY STREETS) to Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance regulates, for safety reasons, the operation of pocket bikes in the city. "Pocket bikes" are small motorcycles with engine displacements that range from 47 cubic centimeters ("cc") to 110 cc. They can attain speeds of 45 m.p.h. and higher. Depending upon their engine displacement and top speed, they are categorized as either mopeds or motorcycles in both the Virginia Code and the city code. The proposed ordinance prohibits the operation of pocket bikes on sidewalks; prohibits their operation by persons under 16 years of age; and requires that all pocket bike operators carry some form of personal identification. It also restricts the use on city streets and public vehicular areas of certain pocket bikes (those with engine displacements greater than 50 cc. or a top speed greater than 30 m.p.h.), which are categorized as motorcycles, to persons with valid motorcycle licenses.

Sponsor

Council Member Ludwig P. Gaines

Staff

Sergeant James Bartlett
Alexandria Police Department

George McAndrews
City Attorney's Office

Authority

§ 3.04(g), Alexandria City Charter
§ 46.2-1313, Code of Virginia

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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EXHIBIT NO. 3

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 10-3-7 (DRIVING ON SIDEWALKS), Section 10-3-13 (RIDING UPON MOTORCYCLES AND PLACE OF OPERATION OF MOTORCYCLES AND MOPEDS), all of Chapter 1 (GENERAL PROVISIONS), Title 10 (MOTOR VEHICLES AND TRAFFIC); and to add a new Section 10-3-16 (OPERATION OF MOTORCYCLES ON CITY STREETS) to Chapter 1 (GENERAL PROVISIONS), 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 Section 10-3-7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

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.

Section 2. That Section 10-3-13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-13 Riding upon motorcycles and place of operation of motorcycles or mopeds.

(a) A person operating a motorcycle as defined in section 10-1-1 herein, but excluding four-wheeled and three-wheeled vehicles for the purpose of this subsection, shall ride only upon the permanent and regular seat attached to the motorcycle, and such operator shall not carry any other person, and no other person shall ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the seat for the operator. If such motorcycle is designed to carry more than one person, it shall also be equipped with a footrest for the use of such passenger. A person operating a motorcycle shall wear a face shield, safety glasses or goggles or have his motorcycle equipped with safety glass or a windshield at all times while operating said vehicle; and operators and passengers thereon, if any, shall wear protective helmets. Operators and passengers riding motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles which have nonremovable roof, windshield and enclosed body shall not be required to wear protective helmets.

(b) *No moped shall be driven on any highway or public vehicular area (i) faster than 30 miles per hour, or (ii) by any person under the age of 16 years. Every person driving a moped shall carry some form of identification that includes the person's name, address and date of birth.*

(~~b~~*c*) Every person operating a moped on a public street or highway shall wear a face shield, safety glasses or goggles of a type approved by the superintendent of state police, or have his moped equipped with safety glass or a windshield, at all times while operating such vehicle, and operators and all passengers thereon shall wear protective helmets of a type approved by the superintendent.

(~~c~~*d*) No person shall operate any motorcycle or moped upon any public property in the city, except that this provision shall not apply to the operation of such vehicles upon the streets in compliance with applicable sections of this code and of the Code of Virginia (1950), as amended, nor shall this provision apply to the operation of publicly owned motorcycles, of emergency vehicles, or of implements including self-propelled mowers designed and used for mowing lawns. This provision shall be applicable only where there has been posted upon the property in question a sign or signs including that such operation is prohibited by the use of the words "motorcycle or moped riding prohibited" or words of similar import.

(~~d~~*e*) Any person who violates subsection (a) or (~~c~~*d*) shall be guilty of a class 3 misdemeanor and shall be punished as provided in section 1-1-8 of this code. Any person who knowingly violates subsection (b) *or (c)* shall be guilty of a traffic infraction and shall be subject to a fine of not more than $50.

Section 3. That Title 10 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Section 10-3-16 to read as follows:

Sec. 10-3-16 Operation of motorcycles on City streets.

(a) *No person shall ride or drive any motorcycle on any city street or public vehicular area unless such person is licensed in accordance with Title 46.2 of the Code of Virginia.*

(b) *No person shall ride or drive any motorcycle on any city street or public vehicular area unless such motorcycle is equipped with all safety equipment required by state law for a motorcycle and the motorcycle is licensed or registered by the Virginia Division of Motor Vehicles.*

Section 4. That this ordinance shall become effective at the time and on the date of final passage.

WILLIAM D. EUILLE
Mayor

Introduction: 6/14/2005
First Reading: 6/14/2005
Publication:
Public Hearing:
Second Reading:
Final Passage:

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Attachment 2

City of Alexandria, Virginia

Ludwig P. Gaines, Esq.
Member of Council

MEMORANDUM

TO: **IGNACIO PESSOA, CITY ATTORNEY**
JIM HARTMANN, CITY MANAGER
LT. MARK UZZELL, APD COUNCIL LIASON

DATE: **MARCH 16, 2005**

RE: **CITY ORDINANCE REGULAITNG MOTORIZED "POCKET" BIKES**

I write to recommend that the City Attorney prepare an ordinance for Council consideration restricting the use of motorized **pocket bikes** on public streets, sidewalks, parking lots and other applicable public places in the City of Alexandria. Per my prior communications with the City Attorney, transportation staff, and the police department, I believe pocket bikes present serious **public safety** concerns warranting Council's action.[1] Currently, there are no specific regulations on the use of pocket bikes in the City code.

Pocket bikes, also referred to as "pocket rockets" and "mini motos," are miniature motorcycles rapidly gaining in popularity among youth and adults alike. Parents are buying these bikes, often as gifts for their **very young children** and with little or no training on their safe and proper operation. Adults are buying them as recreational vehicles as well as auto alternatives that circumvent DMV licensing requirements.

Despite their size, pocket bikes are not toys and have no place on public rights of way. Though they typically stand only 15-18 inches high they are capable of reaching speeds as fast as **35 to 45 mph**. Their height and speed make them serious **safety hazards** for drivers,

[1] Specifically, since December 2004 I have on three separate occasions personally observed pocket bikes being operated dangerously on a public street in Alexandria: in Cameron Station, through a CVS parking and onto a public sidewalk in Arlandria, and through the Lee Center rear parking lot in the evening – this specific vehicle had no lights and was being driven in the dark. These bikes are clearly distinguishable from the non-motorized traditional bicycle whose use we strongly encourage.

traditional motorcyclists and bicyclists, joggers and pedestrians. As these vehicles can and have at times been operated on public sidewalks and parking lots, they pose an added threat to pedestrians (be they casual walkers, bus or metro users walking to or from a bus stop or station, seniors, the disabled, shoppers, or parents simply strolling with their young children).

Recent news reports indicate that because of relaxed Department of Motor Vehicle licensing requirements pocket bikes have also become a popular mode of transportation among individuals who have either had their **driving privileges suspended or revoked**. We should close this **back door option** for those deemed administratively or judicially ineligible to drive a motor vehicle and keep these bikes and their restricted operators off City streets.

A sample ordinance recently adopted by the **Charlottesville, Virginia City Council** addressing both pocket bike licensing and use restriction is attached for reference.

It bears noting that careful attention in the drafting of an appropriate ordinance should take into consideration the lawful use of **motorized wheelchairs** by the disabled. Clearly, this use should be exempted from regulation.

In addition to the Charlottesville ordinance, attached for your information please find recent news articles regarding the emerging safety problems posed by pocket bikes and actions by a number of jurisdictions to mitigate these problems.

Thank you in advance for your attention this matter.

LPG

Cc: Chief Samara, APD,
R. Baier, Dir. of Transportation & Environmental Services,
Honorable Mayor & Members of City Council

Attachments